

The SPEAKER *pro tempore*. The gentleman from Mississippi [Mr. LYNCH] is entitled to the thirty minutes remaining of the hour of the gentleman from Pennsylvania.

Mr. WELLS, of Mississippi. Will my colleague [Mr. LYNCH] yield for a motion to adjourn?

Mr. LYNCH. Before yielding for that motion, I want to make a request of the House. I am very desirous to speak, because my State as well as the race with which I am identified has been very extensively alluded to in discussions in this House. But it would be impossible for me to say in thirty minutes all that I desire to say. I therefore ask the House to allow me, when this question is again taken up, to speak as within my own time, so that I shall be entitled to an hour instead of thirty minutes. I hope there will be no objection to this request.

Mr. BLAND. I shall object, as I want to press the silver bill.

The SPEAKER *pro tempore*. The Chair will state the position of the gentleman from Mississippi. He occupies the floor for the remaining portion of the hour of the gentleman from Pennsylvania. At the expiration of those thirty minutes, unless there is unanimous consent, his time cannot be extended any further. If any gentleman moves to lay the motion to reconsider upon the table, further time may be extended to him, but the Chair would be compelled to give an opportunity for the motion to lay upon the table.

Mr. LYNCH. I hope the gentleman from Missouri will withdraw his objection.

Mr. STENGER. When the time of the gentleman from Mississippi has expired, I give notice I shall move that the motion to reconsider be laid upon the table.

Mr. CONGER. I hope there will be no objection to receiving reports for printing.

The SPEAKER *pro tempore*. The gentleman from Mississippi has yielded to his colleague [Mr. WELLS] to move the House adjourn.

Mr. WELLS, of Mississippi. I move the House now adjourn, and insist on the motion being put to the House.

Mr. BANNING. Before we adjourn I should like to make a statement to the House.

The SPEAKER *pro tempore*. Whatever is done must be by unanimous consent.

Mr. WELLS, of Mississippi. I will yield to the gentleman for a motion to refer.

The SPEAKER *pro tempore*. That can only be done by unanimous consent.

Mr. CONGER. I ask that the gentleman from Indiana [Mr. NEW] be permitted to make his report, to be laid upon the table and ordered to be printed, and also that an opportunity be afforded to submit a report from the minority.

The SPEAKER *pro tempore*. It is not proper for the gentleman from Mississippi to make a motion to adjourn and then parcel out the floor to half a dozen members to introduce this or that proposition.

Mr. WELLS, of Mississippi. I demand the regular order of business.

The SPEAKER *pro tempore*. The regular order of business is the motion to adjourn.

Mr. NEW. I ask unanimous consent to submit a report from a select committee.

The SPEAKER *pro tempore*. The Chair would be glad to entertain any request. The mere fact, however, that the gentleman rises to submit a privileged report does not entitle him to be recognized pending the motion to adjourn. If there be no objection, however, the Chair will recognize the gentleman from Indiana.

Mr. CONGER. It is only to submit a report for printing.

Mr. RICE. I demand the regular order of business.

The SPEAKER *pro tempore*. The gentleman from Ohio demands the regular order of business, which is a motion to adjourn; pending that, however, the Chair asks by unanimous consent that a report may be received from the Committee on Enrolled Bills.

#### ENROLLED BILLS.

Mr. BAKER, of New York, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 3856) for the relief of William H. French, jr., United States Army, late Indian agent at Crow Creek, Dakota;

An act (H. R. No. 3392) for the relief of John R. Harrington; and

An act (S. No. 779) to provide for the sale of the reservation of the confederated Ojibwa and Missouri Indians in the States of Kansas and Nebraska.

#### APPROVAL OF A BILL.

A message from the President, by U. S. GRANT, jr., his Secretary, informed the House that the President had approved and signed a bill of the House of the following title:

An act (H. R. No. 1336) to establish a new land district in the territory of Wyoming.

#### COTTON CLAIMS.

The SPEAKER *pro tempore*. The Chair, by unanimous consent, lays before the House a letter from the Secretary of the Treasury, in reference to a resolution of the House of March 14, transmitting a tabular statement of cotton claims presented to and paid by the Secretary of the Treasury from January 1, 1865, to January 30, 1876.

Mr. WILLIS. I move that communication be referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

Mr. WILSON, of Iowa. I think the order to print should not be made until the Committee on Expenditures in the Treasury Department report whether its printing is necessary or not.

Mr. WILLIS. If it is not printed, it will facilitate more robbery. The SPEAKER *pro tempore*. It is not a question of argument.

The report was ordered to be printed, and referred to the Committee on Expenditures in the Treasury Department.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Rev. I. L. Townsend, Chaplain of the House, for one day;

To Mr. ROBINSON, indefinitely on account of sickness;

To Mr. FAULKNER, indefinitely on account of sickness;

To Mr. WALDRON indefinitely;

To Mr. SEELYE an extension for nine days;

To Mr. BAKER, of New York, indefinitely on account of illness; and

To Mr. DAVIS, for ten days from the 11th instant.

#### CONDUCT OF LOUISIANA FEDERAL OFFICERS.

Mr. NEW. If there be no objection I will submit a report from the committee on the management of federal offices in Louisiana, and ask also that the minority be allowed to present their views, and that both be laid upon the table and ordered to be printed.

The SPEAKER *pro tempore*. The Chair hears no objection.

Mr. CONGER. I present the views of the minority, and ask that they be printed with the majority report.

Mr. DARRALL. I submit a minority report on that branch of the inquiry relating to the shooting of Senator Twitchell and David King at Coushatta, Louisiana, and ask it be printed with the other reports.

The SPEAKER *pro tempore*. The Chair hears no objection; and the reports will be laid upon the table, and ordered to be printed.

And then (at five o'clock and twenty-five minutes p. m.) the House adjourned.

#### PETITIONS, ETC.

The following petitions, memorials, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. FINLEY: The petition of Eveline Glover, that she be granted a pension from the time of the death of her late husband, who was a private in Company E, First Regiment Florida Cavalry, to the Committee on Invalid Pensions.

By Mr. HUNTON: The petition of Caroline R. Dulany, widow of Commodore Bladen Dulany, that her pension be increased to \$50 per month, to the Committee on Revolutionary Pensions.

Also, the petition of Sarah A. Auld and Mary E. Duncan, heirs at law of Edward Auld, deceased, for compensation for property taken and used by the United States Army, to the Committee on War Claims.

Also, papers relating to the petition of R. A. Somerville, for rectification of certain allowances to his father, William Somerville, deceased, who was an officer in the revolutionary war, to the Committee on Revolutionary Pensions.

By Mr. WARD: The petition of George E. Ward, late a private in Company K, Thirteenth New York Cavalry Volunteers, for an increase of pension, to the Committee on Invalid Pensions.

#### IN SENATE.

FRIDAY, August 11, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

#### THE JOURNAL.

The Journal of yesterday's proceedings was read.

Mr. EDMUNDS. I see that the Journal does not show the motion for a recess that I made, the point of order submitted, and the ruling of the Chair, as I believe the Journal should as a part of the action of the Senate. If that ruling is to stand as a precedent, it ought to be in the Journal, so that we shall know officially what the proceeding was. I think the Journal ought to be corrected in that particular.

Mr. CAMERON, of Wisconsin. On Tuesday last the Senate entered an order—

Mr. EDMUNDS. I had called attention to a question of the Journal which is not yet disposed of.

The PRESIDENT *pro tempore*. In what respect does the Senator from Vermont desire the Journal to be corrected?

Mr. EDMUNDS. I submit that the Journal is not full in not showing the motion that was submitted for a recess, the point of order that was made upon it, and the ruling of the Senate speaking through the Chair on that point. That was a part of the proceedings of the Senate, and I think the Journal ought to show it. If it is to stand as a precedent, the Journal certainly ought to show it. I, of course, care nothing about it in this particular instance; but I think the Journal always ought to show all the proceedings. This particular

instance, of course, is not of the least practical consequence; but as a precedent establishing what the ruling of the Senate is in certain cases the Journal ought to show it, and being a true Journal it ought to show actually the motion that was made, the ruling of the Chair, and the decision of the Senate. It perhaps is not of practical consequence enough in this instance to make any point about it.

The PRESIDENT *pro tempore*. The Journal will be corrected according to the fact. The RECORD shows substantially how it was, and the Chair was not aware that it was not entered in the Journal.

Mr. EDMUNDS. I did not suppose the Chair was aware that it was omitted from the Journal.

The PRESIDENT *pro tempore*. The correction will be made according to the facts.

#### ARTIFICIAL LIMBS TO DISABLED SOLDIERS.

The Senate proceeded to consider its amendments to the bill (H. R. No. 1516) to regulate the issue of artificial limbs to disabled soldiers, seamen, and others, disagreed to by the House of Representatives.

On motion of Mr. LOGAN, it was

*Resolved*, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

*Ordered*, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

Messrs. LOGAN, BOOTH, and GORDON were appointed the conferees on the part of the Senate.

#### PARTITION OF REAL ESTATE.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. No. 3168) relating to the partition of real estate in the District of Columbia, asking a conference on the disagreeing votes of the two Houses thereon.

The PRESIDENT *pro tempore*. Will the Senate agree to the conference asked by the House?

The motion was agreed to; and by unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate.

Mr. FRELINGHUYSEN, Mr. HOWE, and Mr. STEVENSON were appointed the committee on the part of the Senate.

#### JOHN H. RUSSELL.

Mr. CAMERON, of Wisconsin. An order was entered on Tuesday last authorizing John H. Russell to withdraw from the files of the Senate his papers in the matter of his claim against the United States for the loss of a steamboat. I find upon inquiry that the petition—there is no bill in the case—has been recommitted to the Committee on Claims. I move that the Committee on Claims be discharged from the further consideration of the petition of John H. Russell, praying compensation for the loss of a steamer alleged to have been destroyed by the confederates during the late war.

The motion was agreed to.

#### HAWAIIAN TREATY—ORDER OF BUSINESS.

Mr. SARGENT. I hold in my hand a telegram addressed to the honorable the Senate of the United States, signed by thirty of the leading citizens and firms of San Francisco. Among others, I see the names of Eugene Casserly and Milton S. Latham, formerly Senators in this body, F. F. Low and Charles Clayton, formerly members of the House, and other gentlemen of the highest character and commercial standing.

This telegram says:

The honor of the country, its national and commercial interests, demand the passage of the Hawaiian treaty bill, and we, the undersigned, humbly pray for immediate action.

I should like to say, with reference to this matter, that the most lively interest in it is felt in San Francisco and on the Pacific coast, and that delay in action upon it is producing considerable confusion to our commercial interests. I am not sure, from some of the telegrams that I have received, but that it would be better if the question should terminate even by defeat rather than to have it hang on, day after day, and week after week, and perhaps go over this session. I earnestly trust that the Senate will give an hour or two to the consideration of this matter and allow it to be terminated.

Mr. MORRILL. I agree with the Senator that it would be most advantageous to the country to have it terminated by defeat.

Mr. SARGENT. I know the Senator's hostility. I should like to ask the Senate to take a recess at five o'clock until half past seven or eight o'clock in order to consider this treaty at the night session. I know how important it is to Senators who desire it that they shall make speeches; but it seems to me that we have now been making speeches for nearly a week and perhaps it will run some time longer. We are coming to the very heel of the session, and night sessions seem to be absolutely necessary in order to attend to legislative business. I, of course, would much rather take up the matter to-day and discuss it and dispose of it by daylight. It would inconvenience me as much as any other Senator, especially after a hard day's work, to come here at night, but I see no other way to have the subject considered. If some Senator can make some other sug-

gestion which will enable me to see through the difficulty I should be happy to hear it.

Mr. EDMUNDS. I wish to suggest to the Senator from California that I understand it is not usual to receive as a petition or memorial a telegraphic dispatch. Of course there is not the slightest objection to the Senator calling attention to it, as he has already done; but as a mere matter of precedent and regular proceeding I believe it has been settled often that a telegraphic dispatch cannot be put in as a petition.

Mr. SARGENT. I do not understand it to be within the rule; but I read the dispatch as part of my speech.

Mr. EDMUNDS. I wish to say that I feel it an imperative duty, as I gave notice day before yesterday, after the pending order is disposed of to move to take up the constitutional amendment; but I can assure the Senator from California that, so far as the Judiciary Committee are concerned, so far as they can possibly see, we shall not all of us occupy three-quarters of an hour in the whole discussion in presenting the views of the committee and defending them; so that that will take but little time.

Mr. SARGENT. I know how important that amendment is, and I think my views are very much in harmony with the Senator's on that matter; but I have asked the Senate now for some weeks to give me an opportunity to have this measure heard, and by and by I shall submit the motion which I have suggested.

Mr. EDMUNDS. I am in favor of sitting right straight along and not having a recess.

Mr. HOWE. Whenever the Senator thinks he is justified in making the motion the Senate will pass upon it properly. I want to say in this connection that I hope there will not be much time taken up in discussing the relative merits of different orders before the Senate. My colleague wants to move the consideration of a bill which, although it does not interest the United States at all, does interest a gentleman whose whole fortune the United States has in possession, and my colleague would like to call the attention of the Senate to it.

Mr. SARGENT. I should like to make a suggestion, which I think is practical, and that is that after the speech is concluded by the Senator who now has the floor on the pending resolution, that resolution be disposed of. There will be an opportunity to make general speeches upon the matter brought forward by the Senator from Massachusetts [Mr. BOUTWELL] by the report of his committee. I myself may desire to speak upon that matter and I know that others will. That can be taken up a little later, and we can meanwhile dispose of some of these urgent matters of legislation, without disposing of which the Senate ought not to adjourn.

Mr. BOUTWELL. Mr. President—

The PRESIDENT *pro tempore*. There is no motion pending. Petitions and memorials are still in order.

Mr. SHERMAN. The Senator from Massachusetts may know what I am about to refer to, the appointment of a commission on the silver question. I was compelled to yield, as Senators are aware. That is the only matter in my charge that is pressing, and I should like to have the Senate act upon it this morning. I suppose there will be no debate about it.

Mr. BOUTWELL. I think the Senator from Ohio is entitled to have that resolution considered.

Mr. SHERMAN. If the Senator will allow me, I should like to have it taken up now, unless there is objection. I move that the House resolution on the silver question be taken up.

Mr. LOGAN. I believe the only way to get anything before the Senate is to be persistent. I have tried for nearly a month to get up the bounty bill. I think no business pending is more important than that. I move to take up House bill No. 58, commonly known as the bounty bill, and I ask for a vote on my motion.

Mr. SHERMAN. My motion is first in order.

The PRESIDENT *pro tempore*. The Senator from Ohio desires to take up what is known as the silver bill. Is there objection?

Mr. LOGAN. I have asked the indulgence of the Senate so often in regard to this matter, and as there seems to be no disposition to allow it to come up, if an objection will put over any of these other measures, I shall object, and I will insist on objecting to everything, I do not care what it is, until I have a vote on taking up this bill.

Mr. HITCHCOCK. If the Senator from Ohio will allow me, I want to call his attention to one fact which may affect the motion he makes, and that is the absence of the Senator from Nevada, [Mr. JONES,] who takes a very deep interest in the matter referred to by the Senator from Ohio. I for one should like to hear his views upon it, and probably at a later hour to-day he will be here.

Mr. SHERMAN. I have no doubt the Senator from Nevada would be willing to have it taken up. I can say that the Senator from Illinois [Mr. LOGAN] can represent him probably better than any one else on the question when it is taken up.

Mr. HITCHCOCK. I presume the Senator from Nevada can represent himself better than anybody else could.

Mr. SHERMAN. I know his opinion about it. However, I only desire to have it considered to-day because I think there will be no serious objection to the passage of the resolution.

The PRESIDENT *pro tempore*. Is there objection to considering the joint resolution suggested by the Senator from Ohio?

Mr. LOGAN. I object.

Mr. SHERMAN. I move to take it up.



The PRESIDENT *pro tempore*. Until the order of morning business is through, one objection rules it out.

#### REPORTS OF COMMITTEES.

Mr. ANTHONY. I am instructed by the Committee on Printing, to whom was referred a concurrent resolution to print extra copies of the proceedings in the impeachment trial of William W. Belknap, with the opinions of Senators, to report a bill as a substitute for the concurrent resolution, and to ask for its present consideration.

The bill (S. No. 1042) to provide for the publication of the report of the impeachment trial of William W. Belknap was read and passed to the second reading.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. EDMUNDS. I think it had better go on the Calendar and take its chance with the other unobjected cases, as it is a bill.

Mr. ANTHONY. It is a bill, but it should be disposed of now for reasons of public economy. I do not care whether these extra copies are printed or not, but I should like to have the matter disposed of, because the type is kept standing.

Mr. EDMUNDS. Is the type up?

Mr. ANTHONY. I suppose it will be stereotyped.

Mr. LOGAN. Let the bill go on the Calendar.

Mr. ANTHONY. Very well.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar.

Mr. ANTHONY. The same committee, to whom was referred a concurrent resolution of the House of Representatives to print additional copies of the report of the commission of engineers upon the reclamation of the alluvial basin of the Mississippi River, have instructed me to report a bill as a substitute for the concurrent resolution. These resolutions are made bills because there is no money already appropriated applicable to this purpose, and if we are to order printing we must appropriate money to pay for it. We have economized the public printing by cutting down the estimates one-third, and then we are constantly called upon to order printing for which there is no appropriation.

The bill (S. No. 1041) to provide for printing the report of the engineers on the reclamation of the alluvial basin of the Mississippi River was read and passed to the second reading.

Mr. ANTHONY. Both of these bills ought to be disposed of in some way at this time, especially the last one, because the work is not to be stereotyped.

Mr. EDMUNDS. How much money does it call for?

Mr. ANTHONY. Fourteen hundred dollars.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. SAULSBURY. I ask whether the general appropriation on the subject will not cover that printing?

Mr. ANTHONY. It will not cover it and cover the ordinary printing ordered by the Senate and the House, such as the printing of bills and reports.

Mr. EDMUNDS. Let it go on the Calendar.

The PRESIDENT *pro tempore*. Objection being made, the bill will be placed on the Calendar.

Mr. SPENCER, from the Committee on the District of Columbia, to whom was referred a petition of citizens of the District of Columbia, praying that the time fixed by law for the completion of the repavement of Pennsylvania avenue be not extended beyond December next, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 1009) to amend an act entitled "An act authorizing the repavement of Pennsylvania avenue," approved July 19, 1876, reported in favor of its indefinite postponement.

He also, from the same committee, to whom was referred the bill (H. R. No. 4085) to repeal part of section 5 of an act entitled "An act authorizing the repavement of Pennsylvania avenue," approved July 19, 1876, reported it without recommendation, and asked that it be placed upon the Calendar.

Mr. KERNAN. What becomes of the report adverse to repealing the proviso limiting the time for paving Pennsylvania avenue to the 1st of December? Does it go on the Calendar?

The PRESIDENT *pro tempore*. The bill is just reported and goes on the Calendar.

Mr. SPENCER. The committee report the House bill without recommendation, and the Senate bill we want indefinitely postponed.

The PRESIDENT *pro tempore*. Both will go on the Calendar.

#### BILLS INTRODUCED.

Mr. COOPER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1043) to amend the provisions of section 2966 of the Revised Statutes regulating the collection of duties on imports and tonnage, &c.; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. WINDOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1044) making appropriations to pay judgments of the Court of Claims; which was read twice by its title, referred to the Committee on Appropriations, and ordered to be printed.

#### EXPENSES OF DISTRICT GOVERNMENT.

Mr. WINDOM. If there be no further morning business, I move to take up the House bill providing for the expenses of the District of Columbia until December next.

The PRESIDENT *pro tempore*. The Senator from Ohio had moved, out of order, however, the consideration of what is known as the silver bill.

Mr. PADDOCK. Did not the Senator from Illinois [Mr. LOGAN] move to take up House bill No. 58, the bounty bill?

The PRESIDENT *pro tempore*. He did not move to take it up, for he was not in order; but he gave notice that he would move to proceed to its consideration. The Senator from Ohio was out of order, and the Senator from Illinois objected and gave notice that he would move at the proper time to take up the bounty bill. The Senator from Minnesota is the first who has risen in order to move to take up a bill.

Mr. WINDOM. I think it will not take much time.

The PRESIDENT *pro tempore*. The Senator from Minnesota is entitled to the floor.

Mr. WINDOM. I move to take up the House bill providing for anticipating taxes in the District of Columbia, reported back from the Senate Committee on Appropriations a few days ago.

Mr. PADDOCK. I understand the Senator from Illinois to object to this.

Mr. WINDOM. The morning business has been concluded.

Mr. LOGAN. I object.

The PRESIDENT *pro tempore*. The motion is before the Senate.

Mr. LOGAN. Let the Senate decide it.

The PRESIDENT *pro tempore*. The Senator from Minnesota moves to take up for consideration the bill (H. R. No. 3962) to provide means to defray the expenses of the District of Columbia until December 1, 1876.

The question being put, there were on a division—ayes 21, noes 11; no quorum voting.

Mr. WINDOM called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 27, nays 10; as follows:

YEAS—Messrs. Anthony, Boutwell, Christiancy, Cockrell, Cragin, Davis, Den-  
nia, Eaton, Edmunds, Ferry, Frelinghuysen, Gordon, Hamlin, Howe, Kelly, Kernan,  
Key, McCreery, Maxey, Morrill, Norwood, Patterson, Sargent, Sherman, West,  
Windom, and Withers—27.

NAYS—Messrs. Cameron of Wisconsin, Clayton, Cooper, Harvey, Hitchcock,  
Logan, Mitchell, Oglesby, Paddock, and Saulsbury—10.

ABSENT—Messrs. Alcorn, Allison, Barnum, Bayard, Boggs, Booth, Bruce, Burn-  
side, Cameron of Pennsylvania, Conkling, Conover, Dawes, Dorsey, Goldthwaite,  
Hamilton, Ingalls, Johnston, Jones of Florida, Jones of Nevada, McDonald, Mc-  
Millan, Merrimon, Morton, Randolph, Ransom, Robertson, Sharon, Spencer, Ste-  
venson, Thurman, Wadleigh, Wallace, Whyte, and Wright—34.

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. EDMUNDS. I move to amend the bill by inserting in line 6, after the word "by," the word "temporary," and striking out the words "or otherwise," so as to make the bill read:

That to enable the commissioners of the District of Columbia to defray the expenses of said District to December 1, 1876, they are hereby authorized to anticipate by temporary loans the taxes for the fiscal year ending June 30, 1877, a sum not to exceed \$418,957.96, the interest on which shall not exceed 6 per cent. per annum.

The amendment was agreed to.

Mr. KERNAN. Permit me to inquire have the preliminary steps been taken to levy this tax and in what shape it is?

Mr. WINDOM. We have passed a tax law, but it does not take effect until December.

Mr. EDMUNDS. It takes effect now, but they cannot get the money until that time. Now I move to amend by adding at the end of the bill:

Said sum so borrowed shall be repaid out of the first avails of said taxes.

Mr. KERNAN. I assume that this is not one of the loans that the United States guarantee, of which we have heard so much. There is no pledge of the United States to repay this.

Mr. WINDOM. There is an express provision that it shall be repaid out of the taxes collected.

Mr. KERNAN. Who becomes liable for it in the mean time? The Federal Government?

Mr. EDMUNDS. Let us adopt that amendment, and then we can discuss the bill.

Mr. KERNAN. I only want it explained.

The amendment was agreed to.

Mr. EDMUNDS. Now I want to say a word on this bill, and I want to speak for one tax-payer in this District, a small one to be sure, and that is myself, in common with all the other tax-payers. This District now owes more than \$20,000,000, and we have at last either at this session or the last one—I have forgotten which, this has been so long—made an explicit provision that the total debt of this District should not be increased under any circumstances whatever, which everybody thought, it being between twenty and twenty-five millions, was a very useful although a pretty late thing to do. Now the very first thing that happens about this District afterward is to provide for increasing this debt by nearly a half million dollars. I am opposed to it. I am opposed to it because I can see that although



this money is now, as the amendment provides, to be repaid out of the first avails of these taxes next fall, that amount of taxes thus used will leave a deficit the next year of just the same or a greater amount.

So then for one—and I suppose we are likely to stay here all the time during the rest of this Congress apparently—I am willing to have the commissioners of this District get on as best they may, or not get on at all, from now until the time their money comes in, but they can get on. They will have to delay opening their schools for a month or two undoubtedly; they will have to diminish the operations of the board of health; they will have to curtail a great variety of incidental expenses that are wholesome and useful, I agree; but when we are absolutely swamped and crushed with this enormous debt, I want to put in as vigorous a protest as I can, without taking up time about it, against under any circumstances making the debt any larger. If we have not the money, let us wait until we have. Let us get on without the streets being swept, without anything that can possibly be dispensed with, and there is money enough so that it will not become disorganized. Let us get on and start with the money that we raise by this tax; and when the United States wants to appropriate something more, as it ought to do out of its own Treasury to aid from time to time with its share, that will be very well.

Now, as to the remark of my honorable friend from New York, I think the United States will be responsible for this money in the political sense. I do not mean to say that I think they will be responsible for it by a suit in the Court of Claims. I do not say whether they would or would not; but we have exclusive jurisdiction in this District; these commissioners are a corporation, a municipality established by us. We authorize them to borrow certain moneys. There is no power but ours that can take the money from the people by taxes to make them pay it. Therefore the United States are bound in that sense to see to it that the people who loan this money on the credit of the commissioners get it repaid to them and that we cause taxes enough to be raised or money otherwise furnished as a matter of political good faith to make it up.

Mr. KERNAN. I make this inquiry, and I am disposed to join in this most vigorous protest of the Senator from Vermont, because the old law under which the Government is said to be liable now for some \$15,000,000, if you will remember its terms, simply provided that the bonds of the District should be issued, and that the Federal Government agreed to fix the proportion that should be paid by the Federal Government, and that it would levy taxes on the District for the residue. The real reason why they became liable at all on these bonds issued, which are not in the name of the Government, is that the Government did agree that it would appropriate its share and that it would cause taxes to be levied on the District; and yet we have run on since 1874 with no government for the District, and there seems to be money now sought which I doubt not it will be claimed if borrowed if we do not get it out of the taxes must come out of the Federal Treasury. Now whether it is to be paid out of the Federal Treasury or by the people of the District, I think from what I can learn that the time has come when we should insist that there shall be no more borrowing of money here; and, as the Senator from Vermont says, let us get along until December and start with the money then and keep from running in debt any more.

Mr. WINDOM. The Senate has already agreed to appropriate \$500,000 toward the share of the Government of the United States in the expenses of the District of Columbia. In the sundry civil bill an amendment of that kind was passed by the Senate not authorizing a loan but a contribution of what was believed to be our share of these expenditures for one year. Now, Mr. President, the theory of the Senator from New York sounds very well, but when you take into account the fact that the Government of the United States owns from 40 to 50 per cent. of the property in the city of Washington, which is subject to no taxation whatever, I submit that it is hardly the fair thing to do to refuse to contribute anything toward the expenses. We are as much interested in good government in this District as the citizens are. If the Government property was subject to taxation, these contributions would be wholly unnecessary. We have made them for several years. The Senate, as I said a moment ago, proposed to make this contribution this year, but the House refused to make any contribution whatever.

Now look at the state of the case for a moment, Mr. President. We legislate, as was stated by the Senator from Vermont, for the District of Columbia, and in that legislation we have provided that the authorities shall perform certain duties which require an expenditure of money. Among other things, in the bill which provides for repaving Pennsylvania avenue we require the District of Columbia to take up and relay the water and gas pipes. I believe the District of Columbia is also required to light the entire city. The Government does not pay for lighting at all, except its public buildings. We require certain things with reference to schools, with reference to the police, with reference to the board of health, and in every other way we legislate compelling the District to pay money, and at the same time we put it out of its power to raise money by any means whatever.

The tax law passed at this session postpones the collection of taxes until next December, so that they have no means of providing a revenue from taxation until that time. We have also repealed a law which authorizes the District of Columbia to collect for licenses, and by that repeal I am informed they lose something like \$100,000.

Mr. EDMUNDS. We have not repealed all the license laws, only the license on merchants.

Mr. WINDOM. I am told that the change of the license law reduces the revenues of the District \$100,000.

Mr. EDMUNDS. But the tax on real estate increases it by more.

Mr. WINDOM. That is true, but that does not take effect until December, and this bill is merely to provide for the expenses of the District until moneys can be received under that law. Having put it out of the power of the District to receive money by taxation, having modified the license law so as to reduce their revenues largely, having provided that they shall perform certain duties requiring money, we have at the same time provided that they shall not borrow money and increase the debt of the District of Columbia under penalties of imprisonment in the penitentiary and a large fine; and now we propose to stand here and say that we will not even give them a dollar as our contribution to the share of the expenses we ought to pay, nor will we let up in the least upon the prohibition to borrow money.

I submit, Mr. President, that this places the District in a very embarrassing position. The very least we can do, if we propose to contribute our fair share of expenses, is to allow them to borrow until our tax laws will bring money into the treasury and re-imburse that amount out of it.

Mr. KERNAN. The Senator from Minnesota does not understand me as complaining of him; but I do desire to call attention to the state in which we are leaving this District, believing that we never shall improve it until we put a stop to the shiftless, temporary borrowing of money. By the law of 1874, if I remember aright, the prior government was abolished, and in one of the sections it was declared that there should be a commission of members of the two Houses appointed, who should apportion the sum of the expenses of the government of this District which shall be paid by the Federal Government and what portion should be assessed on the property of the District, and that there should be a commission to propose and arrange some government for the District; and yet now, in 1876, there is no provision for a government, as I understand, and there is no apportionment of the amount which shall be paid by the people and what by the Federal Government; but we refuse to appropriate, as it is said, and we go on borrowing.

I concede that there should be ascertained and fixed the sum to be paid out of the Federal Treasury toward the expenses of government in this District, in lieu of what I suppose the General Government ought to be assessed for its property, and that the rest should be assessed upon the property of the District. This is just to the people of the District and I think we should do that and do that the first thing, because if we go on borrowing temporarily, not fixing the share of the Federal Government, not governing it as any other locality should be governed, by some known, fixed regulations and laws, we shall in a year or two have such another scene as when I came into the Senate last January: general denunciation, a great amount of debt, and a great deal of complaint that more had been spent than ought to have been spent.

I am not saying whether that is just or not; but I insist that we owe it to the people of the District, to the property-owners, to the Government—we owe it to all that is thrifty and economical in government that we should not go on borrowing temporarily upon somebody's credit, without any great certainty whose, and not saying how much shall be paid out of the Federal Treasury and how much by the property of the District, and appropriating the one and collecting the other, and not spending any more than we do appropriate and collect.

I say this in the interest of the people of the District and in the interest of the Treasury of the United States, and I hope that that will be done and that we shall not resort to this sort of shiftless mode of getting along which we are permitting and encouraging now.

Mr. FRELINGHUYSEN. Mr. President, the Senator from New York says that there has been no proper government formed for this city. That is not the fault of the city nor of the District.

Mr. KERNAN. I am speaking of the legislation.

Mr. FRELINGHUYSEN. It is our fault.

Mr. KERNAN. It is the fault of Congress; so I mean.

Mr. FRELINGHUYSEN. It is the fault of the Senator from New York, and the Senator from New Jersey, that they have not introduced proper measures for the government of the District, and it is no argument why we should leave this city penniless when we are going off here for three or four months, and the same is true in reference to the apportionment of the sum that the city and the Government should pay. These citizens are powerless, and it seems to me it would be almost disgraceful for the Congress of the United States, when they have the sole power to govern this city, to go off without making any provision for the preservation of the health and property of the city or any provision for the preservation of our own property or the health of the employés of the Government.

As to the United States being liable under this bill I most respectfully beg leave to differ from the Senator. The provision of the bill is that this shall be a temporary loan made by the District of Columbia to be paid out of a certain fund, to-wit, the taxes which shall be collected by next December. If I buy one of these bonds I buy it according to the terms of the bill, and the Government of the United States is in my opinion in no sense liable.



Mr. SAULSBURY. I think we had better adhere to the resolution of Congress expressed in the law which prohibits the commissioners contracting any additional debt. It seems to me the Senator from Minnesota might perhaps amend the bill so that they might avail themselves of funds derived from taxing property. While the commissioners are not at liberty, I understand, to collect taxes prior to the 1st of December, if there was a provision in this bill authorizing a small abatement on the voluntary payment of taxes before that time, you would then perhaps be in receipt of sufficient money to carry on the government of the District until the 1st of December, and not commit injustice to any one, and contract no new debt by simply allowing an abatement of taxes. I know that is the policy pursued in some States, to allow a small abatement to persons who see proper to anticipate the time of payment.

Mr. EDMUNDS. I will say to the Senator that the difficulty about getting in the taxes earlier arises from the time necessary to assess them. The bill passed too late to make the assessment, so that you cannot find out how much the taxes are for some time.

I move now to strike out all after the enacting clause of this bill and insert the following provision:

That the sum of \$500,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to be paid into the treasury of the District of Columbia as the share of the United States toward the expenses of said District for the year beginning July 1, 1876.

That the Senate has already once passed in the miscellaneous bill, but it was stricken out by the House; and now I can hardly doubt, if the facts be as stated by the Senator from Minnesota, that the House of Representatives, rather than let these people run in debt any more, if they are really in necessity and must have some money, to appropriate some sum (if it is right that the United States should, as we have all once agreed that it is and do agree now) which will contribute our fair share for the time being and not have any experiments of borrowing money.

Mr. SHERMAN. I hope that amendment will be adopted. I do not want myself to violate the law we passed early in this session prohibiting the increase of the debt in this District. If the House say \$500,000 is too much, let them put it down to \$50,000 or whatever they think proper, to be paid out of the Treasury.

Mr. INGALLS. As one member of the Committee on the District of Columbia I have had good reason to be aware of the very anomalous and unsatisfactory condition of affairs in this District so far as relates to taxation and everything else affecting the social condition of the people, and I fully agree with what the Senator from New York has said in relation to the necessity of having some fixed and suitable system for the administration of affairs in this community. But, sir, that is not precisely the question that is now before the Senate. Here is an immediate and urgent and pressing necessity. Congress is about to adjourn, leaving an empty treasury here in the District and no means appropriated for the purpose of carrying on the necessary functions of its government. Therefore, withholding all criticisms as to the condition of affairs here as to the way they have been administered, I ask, what is the duty of the Senate and of Congress in this present juncture? If there is no money with which to pay for the lighting of the streets; if there is no money with which to pay for the necessary repairs that must be made upon the streets and in other portions of the city; if there are no funds with which to carry on the sanitary operations and protect the public health, what is our duty sitting here as one department of this Government? To waste our time in empty criticisms and hostile animadversions about the way affairs have been carried on here? Certainly not. It is our business to make some provision, and immediately and instantaneously, by which the affairs of this District may be continued until such time as the wishes of Congress can be effectuated with regard to a permanent form of government in Washington. The people of this District are not to blame for the present condition of affairs. The law under which the taxes are now being collected was not passed until a period so late that the funds and revenue cannot be obtained in time to realize the necessary money to carry on the necessary affairs of this District. The people are not to blame for it; and therefore they should not be made to suffer for it. We are to blame for it; and therefore if there is anybody to be blamed or if there is any criticism to be made, we are the ones to share it. We ought not to inflict on the people here an unnecessary and dangerous delay.

So far as the amendment offered by the Senator from Vermont is concerned, it is undoubtedly correct; but it introduces a new principle that will probably result in hostile action on the part of the House, and may, therefore, defeat the whole object and purpose of the bill now before the Senate.

Mr. EDMUNDS. As it is in the form of an amendment it will probably go to a conference and we can retire if necessary.

Mr. INGALLS. That is very true. In the form of an amendment it may be submitted to a committee of conference of the two Houses; but inasmuch as this same amendment has been once submitted on an appropriation bill, has once been before a committee of conference, and has been rejected, it appears to me as if we ought not to delay action on this bill for the purpose of again repeating an experiment that has once proved to be ineffectual.

I do not like the terms of the original bill. Instead of saying that they are authorized to anticipate the taxes by a temporary loan, it seems to me that it would be proper to say that they should be authorized to make a temporary loan to be re-imbursed out of the first

collection made under the tax law that we have passed. I should like to see the bill so amended. It seems to me it is a plain, imperative duty resting upon us to furnish these unfortunate people here with the means of carrying on their government, especially as they are in no sense whatever to blame for the delay.

Mr. HOWE. I should like to hear the amendment of the Senator from Vermont reported.

The PRESIDENT *pro tempore*. The amendment will be read.

The Chief Clerk read as follows:

That the sum of \$500,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to be paid into the treasury of the District of Columbia as the share of the United States of the expenses of said District for the year beginning July 1, 1876.

Mr. HOWE. The whole dispute is between two or three different methods of raising a small sum of money for the use of the District of Columbia. Let us vote, before the District perishes, on these propositions one after the other, until we have voted on the last proposition that is offered. Whatever we agree to, it will either be the bill which has passed the House or some amendment of that bill, which will go to the House, and we shall come to an agreement by and by.

Mr. WINDOM. I feel it my duty to say that, while I cannot accept this amendment from the Committee on Appropriations, as I do not know what their views may be upon it, it so fully accords with my own judgment as to what is right that I am willing to take the chances of securing the action of the House favorable to it. We may not be able to do so, but I cannot bring my mind to vote against this amendment.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont, as a substitute for the bill.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. WINDOM. I move to amend the title in accordance with the amendment, so as to make it read: "A bill making an appropriation to assist in defraying the expenses of the District of Columbia."

The motion was agreed to.

#### EQUALIZATION OF BOUNTIES.

Several Senators addressed the Chair.

The PRESIDENT *pro tempore*. The Senator from Illinois, [Mr. LOGAN.]

Mr. SHERMAN. I addressed the Chair first, Mr. President.

Mr. PADDOCK. The Senator from Illinois has constructively held the floor for an hour.

Mr. LOGAN. I will only say this about addressing the Chair first: It is the first time I ever knew that question raised after a gentleman was recognized.

Mr. SHERMAN. I ask the Senator himself if I did not address the Chair first.

Mr. LOGAN. I do not know; the President has decided you did not. I was not noticing who addressed the Chair except myself. I know I did; but who did first is a matter for the President, and he has decided that I did.

Mr. SHERMAN. I hope the Senator will let me take this silver commission up; I must leave the city.

Mr. LOGAN. I am sorry for that, because I am sorry to lose the society of the Senator; but at the same time I cannot give up the floor if I am recognized. I move to take up House bill No. 58.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. LOGAN. I make the motion now.

The PRESIDENT *pro tempore*. The Senator from Illinois moves—

Mr. EDMUNDS. The Senator from Texas [Mr. HAMILTON] is entitled to the floor on the unfinished business.

The PRESIDENT *pro tempore*. The Senator from Texas is not present.

Mr. LOGAN. I move to postpone all prior orders and take up House bill No. 58.

The PRESIDENT *pro tempore*. The Senator from Illinois moves to postpone the present and all prior orders for the purpose of considering House bill No. 58.

Mr. LOGAN. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. SAULSBURY. I was paired with the Senator from Pennsylvania, [Mr. CAMERON.] I do not know how he would vote. I should vote "nay" if at liberty to do so.

The question being taken by yeas and nays, resulted—yeas 21, nays 26; as follows:

YEAS—Messrs. Boutwell, Cameron of Wisconsin, Clayton, Conkling, Ferry, Frelinghuysen, Hamlin, Harvey, Hitchcock, Ingalls, Key, Logan, McDonald, McMillan, Mitchell, Oglesby, Paddock, Patterson, Spencer, West, and Windom—21.

NAYS—Messrs. Anthony, Bayard, Boggs, Booth, Barnside, Christiancy, Cooper, Davis, Dennis, Eaton, Edmunds, Gordon, Howe, Kelly, Kernan, McCreery, Maxey, Merrimon, Morrill, Norwood, Randolph, Kansom, Sargent, Sherman, Wallace, and Withers—26.

ABSENT—Messrs. Alcorn, Allison, Barnum, Bruce, Cameron of Pennsylvania, Cockrell, Conover, Cragin, Dawes, Dorsey, Goldthwaite, Hamilton, Johnston, Jones of Florida, Jones of Nevada, Morton, Robertson, Saulsbury, Sharon, Stevenson, Thurman, Wadleigh, Whyte, and Wright—24.

So the motion was not agreed to.



Mr. HAMLIN. I now move to take the post-route bill from the table. The Senator who is entitled to the floor is not here. We cannot afford to wait for him to come.

Mr. SHERMAN. I should like to ask the Senator to let me take up the silver commission bill.

Mr. HAMLIN. Let me get up the bill and then if that will not take time I will yield.

Mr. EDMUNDS. If this resolution is going over, I, according to previous notice, want to call up the constitutional amendment, and I hope my friend from Maine will not press his motion. If this motion is not agreed to I shall move, after my friend from Ohio has had done what he asks the privilege of doing, to take up the constitutional amendment.

Mr. LOGAN. I have no objection to taking up the bill suggested by the Senator from Maine; but I should like to make this proposition to the Senate, to allow the bounty bill just refused to be taken up to be taken up to-night at eight o'clock to be considered. All I desire is this, which I think in all fairness should be done, to have the amendments to the bill read, and the Senate agree or disagree to them, and take the vote. I do not propose to detain the Senate with any discussion; but there are enough people in this country interested in this bill at least to demand that they shall have a vote on the passage of a bill of this character. All I ask is that the bill be voted upon. If there is a majority of the Senate against it, that will end it. If there is not, let the bill be passed. I do not want to detain the Senate by discussion, but I want a vote on the bill. It has been here certainly long enough and been laid out of the way for every other measure that has come up before the Senate. I do not think it is right for us to evade a square vote on the bill. There is no other way to get it up. If the Senate will agree to take it up to-night at eight o'clock, it will not take an hour unless somebody wants to discuss it. I will not take fifteen minutes unless some question may be asked that calls for an explanation. I will agree that I will not take over fifteen minutes in explanation of the provisions of the bill and then I will ask for a vote unless it is in answer to some question Senators may ask me in regard to some provision in the bill. I make that motion.

The PRESIDENT *pro tempore*. The motion of the Senator from Maine is pending. The Senator from Maine has moved to postpone the present and all prior orders for the purpose of considering the post-route bill.

Mr. MORRILL. I want to say that I am not opposed to any bill that shall fairly and properly equalize bounties. This bill is not such a bill. It is a bill to add one-half to the pay of the Army during all the time of the rebellion. But there is another thing in relation to the bill—

Mr. HITCHCOCK. Mr. President, what is the question?

The PRESIDENT *pro tempore*. The Senator from Nebraska makes the point of order that the discussion is not on the pending question. The Chair sustains the point of order.

Mr. MORRILL. Then I desire to say that I am opposed to taking it up because I do not believe that in the time we now have we can so lick the bill into shape that it can possibly be executed. There is no provision for furnishing the funds; and this session is now so near a close that I despair of making any appropriation for the additional number of clerks, at least three hundred or more in number, that it will require to execute the law if the bill should be passed.

Mr. President, again I am satisfied that we ought not at this—

Mr. HITCHCOCK. Is debate in order?

The PRESIDENT *pro tempore*. The Senator is within the rules confined to the question before the Senate. The Chair supposed the Senator was speaking about postal clerks, but observes that his remark relates to clerks for the War Department.

Mr. MORRILL. I am speaking against the propriety, on account of the shortness of time, of taking up this bill, because I do not believe we have time, as I have said, to lick it into shape so that the soldiers will reap the benefit of it instead of the claim agents. I think that the opening of the accounts of all the soldiers of the war would merely open it for the benefit of the claim agents, and not of the soldiers. I will be prepared to show, when I have time to discuss the merits of the bill, that it will require one hundred and fifty or more millions of dollars from the Treasury, which is not provided for, and is indispensable whenever the bill becomes a law.

The PRESIDENT *pro tempore*. The Chair will remind the Senator that the bounty bill is not before the Senate. The question is on taking up the post-route bill.

Mr. LOGAN. I ask permission of the Senate to reply for just one minute to the statement of the Senator from Vermont.

The PRESIDENT *pro tempore*. Is there objection?

Mr. LOGAN. I desire just one moment. I did not intend to discuss the proposition; but I cannot allow to pass unnoticed such remarks as the Senator from Vermont has made, so uncalled for and so unsupported by the record. I know he is a gentleman of great information, and I supposed he had more on this subject than he exhibits. His statement that this is to pay double to soldiers for their service in the field is not warranted by any fact in the record. It is a proposition to pay the soldiers that which the law gave them and, by certain orders of the War Department, prohibited them from getting by their being mustered out of the service before their time had expired. The object of the bill is to give to those soldiers what the Government owes them and not what the Government does not owe

them; and for the Senator to say that there is not time to lick this bill into shape is saying that the committee has not the ability to make a proper bill. This bill needs no licking into shape; and it does not require the money to be paid either this year or next, but only provides that these soldiers shall receive what the law authorized them to receive during the war, and it will not do for the Senator to dodge on the ground that there is not appropriation in this bill. I have always the manliness when I oppose a bill to say that I oppose it. But to undertake to oppose a bill by stating facts that do not belong to it and are in no wise connected with it is unworthy of the Senator from Vermont and of the candor that he usually exhibits. I say in my place now that this is a bill to pay the soldiers what the Government owes them and what the Government has failed to pay them.

Mr. MORRILL. I do not think the Senator from Illinois is responsible for the shape of this bill, as it comes to us from the House; but I wish to ask him what was the pay of the soldiers during the war, and if this is not an additional eight and one-third dollars a month when the pay was \$16?

Mr. EDMUNDS. I must call for the regular order. My friend from Illinois has had his three minutes.

Mr. LOGAN. I will answer the question and then yield.

Mr. EDMUNDS. The Senator may go on another minute.

Mr. LOGAN. I only want to answer that question. The Senator misapprehends it. He says this adds to their pay. It does not. The Congress of the United States gave to the soldiers a certain amount of money as bounty over and above their pay. It gave \$100 for one year, \$200 for two years, and \$300 for three years; and this is to supply the deficit that the Government failed to pay them when they had not served the exact time but were mustered out sooner, for instance, a day or two days before their time expired. Then the Government refused to pay them the bounty at all because they had not served the entire time for which they had enlisted. This is to give them the eight and one-third dollars a month for the time they served and equalize them with those who did serve out the time; and that is all there is in it.

Mr. MORRILL. Let me ask the Senator, for he is perfectly familiar—

Mr. BOUTWELL. I rise to a question of order. I insist we ought to proceed with the regular order.

The PRESIDENT *pro tempore*. The debate is by unanimous consent, and objection is made to its further continuance.

Mr. BURNSIDE. I hope the Senate will give unanimous consent to consider this bill this evening.

The PRESIDENT *pro tempore*. That question is not before the Senate. Several Senators have objected to debate.

Mr. EDMUNDS. What is the pending question?

The PRESIDENT *pro tempore*. The Senator from Maine moves the postponement of the present and all prior orders for the purpose of taking up the post-route bill.

Mr. EDMUNDS. I of course have no particular opposition to the post-route bill, but I think it ought to wait until we act on the constitutional amendment which the House has sent over to us, and I ask my friend therefore to let me call up that and then I shall have no objection to yield to him.

Mr. HAMLIN. I submit the matter to the Senate.

Mr. EDMUNDS. Then I hope the Senate will not agree to my friend's motion, and if it does not I will move to take up the constitutional amendment.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maine.

The question being put, the ayes were 32.

Mr. EDMUNDS. I give it up. The constitutional amendment has no chance against the post-route bill.

The PRESIDENT *pro tempore*. The motion of the Senator from Maine is agreed to.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the bill (S. No. 1007) concerning the employment of Indian scouts.

The message also announced that the House had passed a bill (H. R. No. 3083) to remove the political disabilities of C. M. Wilcox, of Maryland; in which it requested the concurrence of the Senate.

#### ENROLLED BILLS SIGNED.

The message further announced that the Speaker *pro tempore* of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 779) to provide for the sale of the reservation of the confederated Otoe and Missouria Indians in the States of Kansas and Nebraska;

A bill (H. R. No. 3392) for the relief of John R. Harrington;

A bill (H. R. No. 3856) for the relief of William H. French, jr., United States Army, late Indian agent at Crow Creek, Dakota; and

A bill (H. R. No. 4087) continuing the provisions of an act entitled "An act to provide temporarily for the expenses of the Government."

#### PETITION.

The PRESIDENT *pro tempore* presented a petition of citizens of Michigan, praying relief from alleged hardships incident to the requirements of the homestead law; which was referred to the Committee on Public Lands.



## THE POST-ROUTE BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3628) establishing post-roads, the pending question being on the following amendment proposed by Mr. HAMLIN as an additional section:

SEC. 2. That section 1 of an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877 and for other purposes," approved July 12, 1876, be, and the same is hereby, amended by repealing the following words:

"Provided, That the Postmaster-General be, and he is hereby, authorized and directed to re-adjust the compensation to be paid from and after the 1st day of July, 1876, for transportation of mails on railroad routes by reducing the compensation to all railroad companies for the transportation of mails 10 per cent. per annum from the rates fixed and allowed by the first section of an act entitled 'An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1874, and for other purposes,' approved March 3, 1873, for the transportation of mails on the basis of the average weight."

And that the sum of \$900,000 be, and the same hereby is, appropriated out of any moneys in the Treasury not otherwise appropriated for transporting the mails of the United States on railroads.

Mr. HAMLIN. Mr. President, at the time when the Senate had under consideration the bill which is now before us, I had been inviting its attention to the propriety of making a provision for the restoration of what are called the fast-mail trains, and I had introduced an amendment to accomplish that object. The bill was summarily laid upon the table, and I think now, with the addition of that power which belongs to fast trains, I have finally succeeded in getting the bill again before the Senate. I had addressed the Senate perhaps half an hour in relation to that subject, and at that period of time what I proposed to say would have occupied about another half hour. So, while other gentlemen have been addressing the Senate on other questions, I have occupied the position of having a speech half delivered for several days, and as Senators have questioned somewhat the courtesy which I manifested in seeking to get this bill again before the body I mention it.

I said the other day that time was money to the business man, and I will change the axiom and say that time is of value to the legislative body and especially to this body now; and I will not continue the debate in relation to the fast-mail service, but will leave it for the judgment of the Senate upon what I have already said, adding only that I will withdraw the amendment which I submitted the other day, which was a repeal of the 10 per cent. reduction applied to all roads, and present a new amendment applying only to the New York Central, and the Michigan Southern route to Chicago, and the Pennsylvania railroad to Saint Louis, and then to leave the Senate to determine what they will do. I withdraw the pending amendment, but I submit two or three amendments for additional routes to the bill which I ask the Senate to adopt.

The PRESIDENT *pro tempore*. The amendments will be read.

The CHIEF CLERK. The amendments are, after line 819, to insert: From Ferrytown to White Plains.

After line 1053 to insert:

From Charlotte to Bellburg.

After line 96 to insert:

From Fresno, via Fort Miller, Big Dry Creek, Academy, to Toll House.

From Fresno to Riverdale.

From Visalia, via Grangerville, to Leonora.

Mr. HAMLIN. I now submit the following amendment for the restoration of what were called the fast mails—

Mr. PADDOCK. I ask the chairman to give way for me to offer a little amendment in respect to a new route.

Mr. HAMLIN. Yes, sir. Let the Senator have his amendment put first.

Mr. PADDOCK. I move to insert after line 724:

From Nebraska City, via Glen Rock and Sheridan, to Humboldt, Nebraska.

The amendment was agreed to.

Mr. HAMLIN. Now I offer my amendment, and ask that it be read.

The Chief Clerk read:

SEC. —. That the sum of \$150,000 be, and is hereby, appropriated out of any moneys in the Treasury arising from the revenues of the Post-Office Department for the fiscal year ending June 30, 1877, in addition to the sum appropriated for inland mail transportation by railroad by an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes," approved July 12, 1876; *Provided*, That the Postmaster-General is hereby authorized to only apply this sum to restoring, so far as it may be possible to do so, the transportation of the mails by the fast-mail trains, by the New York Central, the Hudson River, and Lake Shore and Michigan Southern Railroads between New York and Chicago, and over the Pennsylvania Railroad and its connections between New York and Saint Louis, New York and Chicago, and New York and Cincinnati.

Mr. HARVEY. I did not hear distinctly the reading of the amendment, and I wish to ask the Senator from Maine, the chairman of the Committee on Post Offices and Post-Roads, what is the amount proposed to be appropriated?

Mr. HAMLIN. One hundred and fifty thousand dollars.

Mr. HARVEY. And to be applied to the railroads named simply for the purpose of the transmission of the fast mails?

Mr. HAMLIN. Yes, sir.

Mr. HARVEY. I hope that amendment will not be adopted. Early in the session we had before us a bill fixing the rate of postage on third-class matter. That bill was unsatisfactory to half the Senate; but being presented by a united committee, the Committee on Post-

Offices and Post-Roads, the bill brought forward by that committee was sustained here against a proposition which I offered to reduce the postage on third-class matter to the rates which had existed prior to the 3d of March, 1875. That was done for the reason urged by the committee that it was necessary to do so in order to make as nearly as might be the Post-Office Department self-sustaining. I never believed that the Department should be made self-sustaining. I earnestly advocated such a rate of postage as had existed prior to the amendment I have alluded to and which was passed in an appropriation bill on the 3d of March, 1875. The Senate was equally divided on that proposition, and it was lost for the lack of a single vote. The bill then went to the House of Representatives, and was considered by a committee of conference, the result of which was that a compromise was agreed to that is, if possible, more unsatisfactory than either of the propositions, a compromise which makes discriminations between certain classes of third-class mail matter that seems to rest on no reason at all. For instance, I will cite the fact that in that classification sheet-music, which is classed as third-class mail matter, is transmitted at the rate of one cent for two ounces, and seeds, cuttings, bulbs, and other matters of that kind, recognized as third-class matter, also are transmitted at the rate of one cent per ounce, being double the rate charged upon sheet-music and other third-class matter rated without any more apparent reason than there is in the discrimination between these two kinds of articles.

But, independent of this question, I am opposed to the proposition for another reason. The Senator from Maine the other day in the first part of his speech stated that we are without any remedy; in other words, that we are at the mercy of a few men controlling the lines of railroad mentioned in this amendment. Sir, if I understand it aright, all the railroads in this country have been declared post roads, and if a necessity arises I think it is within the power of this Government to make provision to have the mail carried on those routes in whatever way may be deemed just to the parties owning the roads, and this can be reached by the Government under the right of eminent domain, if necessary.

I am, therefore, opposed to making a discrimination in favor of these lines and in favor of that small proportion of the people of this country classed as business men in the sense in which the term is here used, meaning simply merchants and bankers and others engaged in the transmission of matter through the mails for the purpose of mercantile gain.

There is a very large proportion of the people of this country who deem it of more importance that the people at large, the people residing in small towns and villages and on the farms in the rural districts, should have at least equal facilities for the transaction of their business through the mails with the class that I have alluded to.

Mr. PADDOCK. I should like to ask the Senator if on all the remittances that are made from the State of Kansas to the commercial center of New York or the commercial center of Chicago and all the remittances that may be sent or credited from New York or Chicago to Kansas in the transactions as to grain and other products of that State one day's interest saved on every remittance and on every credit would not be of very great benefit to every citizen in his State, directly or indirectly?

Mr. HARVEY. I apprehend that the interest of the majority of the citizens of the State in that matter would be exceedingly remote. I fear it would be so remote that it would be hardly appreciable.

Mr. PADDOCK. Well, sir, I will say that it is considered of so great importance by the banks and others at Chicago who make great daily remittances from that city to New York that they are willing to undergo almost any other privation rather than of this fast mail. I know that is the case with the commercial center in my State, Omaha.

Mr. HARVEY. I am aware that this would be a great benefit to the city of Chicago. That is unquestionable. It would be a great benefit to the particular lines of railroad mentioned in this amendment. That is unquestionable. But it involves the necessity of making an additional appropriation of \$150,000 for the purpose of inducing those companies to run a train a little more rapidly than the usual mail trains upon their roads when they are already receiving a compensation larger than that given to any railroad in the civilized world for the transmission of the United States mail. I say that the advantages resulting to the people of the United States are not sufficient to warrant that expense and the concession of the principle that is involved in it.

Mr. WEST. Will the Senator allow me to ask him a question?

Mr. HARVEY. Yes, sir.

Mr. WEST. I presume the Senator is informed on the subject, and I for one should like to be informed, and I have no doubt the Senate would. I wish to ask him what is the basis for his statement that mails are carried in this country at a greater cost than in any country in the civilized world? I do not question the truth of the statement, but I should like the Senator to state to us if he knows—he must have had some information to base that statement on—what it costs to carry the mails in France and in England on railroads.

Mr. HARVEY. Well, sir, I have not at hand the statistics. I did not expect this question to come up this morning, but I think the Senator can easily satisfy himself on that point.

Mr. WEST. I have not been able to do so.

Mr. HARVEY. The mails in France and England are transmitted much more often, much more expeditiously than they are on the gen-



erality of routes in this country, and therefore there may be at first sight an apparently greater expenditure there than in this country; but I abide by the fact that I have stated, and I have no doubt that I can produce the authority.

But I was going on, when interrupted by the Senator from Louisiana, to speak of the principle involved in this matter. The roads mentioned in this amendment are the very roads spoken of in the report of the Special Committee on Transportation of the Senate, who tell us that a few men controlling these roads at their will impose a heavy tax upon the business of this country for the transmission, not of the remittances spoken of by the Senator from Nebraska involved in the transactions of the commercial business he alluded to, but of the products themselves constituting the basis of that business. I say it is reported by the Committee on Transportation that a few men controlling these roads at their own sweet will impose on the people of this country taxes on the transmission of the necessities, the absolute comforts, and the few luxuries that the people generally of this country are enabled to obtain; these railroads levy a tax upon them such as neither this Congress nor any other legislative body in this country would dare to impose. It would create a political revolution, as they say and say truly. And yet these few men, not satisfied with the power which they enjoyed at that time, must levy upon the Government itself for the transmission of its official mail matter in a few hours less than they have been accustomed to carry it, and for the intelligence which the Government assumes to convey by its mail lines, an extra compensation of \$150,000, and that for a matter in which few people comparatively are interested and by which none of the other lines of transportation of the mails are benefited. It is simply a concession of that much money to a position that these men have taken that the laws must be made to conform to their peculiar interests.

For these reasons, which I have stated hurriedly, not being fully prepared to discuss the question because I had no anticipation this bill would come up to-day, I am opposed to this amendment and I hope it will not prevail, and I am fearful that, should the amendment prevail, it would involve the loss of all that is contained in the bill.

Mr. WEST. Mr. President, as I had the honor to serve with my esteemed friend from Maine [Mr. HAMLIN] upon the committee of conference on the disagreeing votes of the two Houses on the post-office appropriation bill, I desire to say a few words in behalf of the proposition that he has submitted to the Senate at the present time.

The fast-mail system of the United States, as we all know, is a recent improvement of the expedition with which the public business is generally transacted in the North and the West. It has met, I think, with the community at large as much favor as almost any proposition of that character that has ever come under their notice. When the House of Representatives refused to accede to the ideas of the Senate to the extent that would permit the continuance of the fast-mail service, as one of the conferees on the part of this body I felt that it was my duty to permit the sacrifice of that service rather than to have the stoppage of the service at large. But since the result has developed that that action has ended the fast-mail service in this country such representations have come to us from the public through the press and other mediums as should induce us to consider the propriety of its restoration.

Now I ask attention of the Senate for a moment to the amounts of money that have been used in the last fiscal year and are proposed to be used in the various characters of mail service throughout the country in the coming year.

By an official statement which I have from the Postmaster-General, I find that the amount of money expended in the railroad service for the fiscal year just ended was \$9,874,956. We have appropriated \$9,100,000 for the ensuing year, \$774,000 less than the preceding year, abating the amount payable to these railroads by 10 per cent., and not allowing for any possible increase natural to the service. So we are going into an expenditure this year of \$9,100,000 against \$9,874,000 last year. But how is it with the remote districts represented here by my friend from Kansas? How is it with those suffering people in the remote West, who, the Senator says, are not to be benefited by this appropriation? Instead of curtailing their facilities, instead of reducing the amount to carry mails in Kansas by the stage routes and by horses, we give \$1,100,000 more this year than we have ever given before. I will substantiate that statement by the quotation which I will make:

The amount for star and steamboat service—

Star service it is well known means the mails carried by stage and horses—

for the year ending June 30, 1876, was \$5,634,403.

The amount that we have appropriated for these citizens of Kansas and on the frontier and in the extreme West who are not benefited, the Senator says, by the fast mails in the localities here specified—although that is a point which I will answer—is this year \$6,730,851. In other words, we have cut down the service at home, in the very heart of the system, three-quarters of a million and added to the extremities \$1,100,000. If the Senator will answer the proposition how the extremities are to be saved when you cut off the circulation at the heart, I shall be obliged to him.

That this reduction was made, and that it was justifiably made, I have no doubt. The rates upon railroad transportation were raised

before the panic. Since that time there has been a general cutting down in prices all over the country, and notably in railroad freights. Therefore the reduction was justifiable, and I went with the House, and the committee of which I had the honor to be a member went with the House in that reduction; but we warned them, "Do not pare too close;" we pleaded with them for a few hundred thousand dollars to maintain this fast-mail service, but our efforts were of no avail; and what is the consequence? If we can facilitate the service on behalf of the people of the United States situated on the frontier and in the remote districts of the country, where it is well known that the mail service contributes nothing to the support of the Government, but, on the contrary, is an extreme expense, why not facilitate it in the regions where it does pay, for the mails from New York and Chicago undoubtedly return a large percentage in excess of the expense? Surely the proposition is reasonable. Surely it would conduce to the benefit of those in the remote districts as well as those in that immediate section of the country.

The Senator should not ignore the question which was put to him by the honorable Senator from Nebraska when he called his attention to the fact that the remittances between Chicago and New York were facilitated and expedited twelve hours by this process. I ask him, is it no benefit to the men out West who are remitting their money to the commercial centers of the country that twelve hours shall be gained on every one of them? Can the Senate contemplate, can any gentleman here tell me, how much money is passing hourly and momentarily through the mails of the United States, in regard to which time is money? Will not the little pittance of \$150,000 asked for in this proposition to restore a fast-mail service be paid, and be paid over and over again, to the people of this country by the saving of interest on their remittances? Most assuredly and most undoubtedly it will. If we can in our bounty and according to our conception of what is just to these remote districts furnish them with a million and odd dollars more than we gave them last year, can we not cut off this \$150,000 instead of \$750,000, the amount which was given to these railroads?

The Senator says a few railroads are preying upon the people. If they are preying upon the people, they are not preying through the Post-Office Department, because nobody has ever disputed the idea that the railroads throughout the country, at the rate of compensation given to them by the Government of the United States, are not paid in proportion to their other business.

This is a small matter. We have cut down, I repeat again, \$750,000 over the amount expended last year and we have cut too close. That is my opinion, and I think it will be the opinion of the Senate; I am quite confident that it will meet the approbation of the House at the other end of the Capitol. I think it ought to be done, nor can I see nor have I heard anything advanced that should prevent it when it is known that we are deprived of these privileges.

Mr. MAXEY. I was a member of the conference committee on the disagreeing votes of the two Houses on the post-office appropriation bill, and I agreed to the report of the conference committee. The principal trouble between the two Houses was in regard to the compensation to railroads for carrying the fast-mail service. I then believed that report was a just and fair compromise between the two Houses who disagreed, and I signed the report along with the other members of the Senate committee. It was signed correspondingly by the conferees on the part of the House and it was adopted by both Houses. I regarded that as a settlement of a very disputed question between the two Houses. I believed that, in accordance with the great reduction which has taken place throughout this country in everything, there should be a decrease in the compensation paid to railroads corresponding to that which has taken place everywhere else. That report was unanimously adopted in the conference committee and adopted by both Houses. I may be mistaken, but it occurs to me that if the proposition of the Senator from Maine is adopted now, it is a departure from that which was settled by that conference committee. That is the view which I take of it.

One other point. It has been said here to-day, and it has been said on many other occasions, that in the newly settled parts of the country the mails are really an expense to the Government. Undoubtedly that is true. It has been true of every State as it was being settled, but the policy of this Government has been to settle up its new Territories and to advance intelligence into the country as it was being settled. That has been carried out in all the States as they were being settled. The Post-Office was an expense to the older and more populous States until the country became settled up. That is true of that country which is now being settled up, and the policy which has been pursued in sending mails out from the centers into the newly settled country is a policy which is pursued toward every State now settling up. It is but just and right that that should be done, although it may be an expense to the general public.

In respect of this fast-mail service, while I admit that it may be a matter of convenience and to certain localities a matter of importance, yet the question which was before my mind in the conference was, is it of such importance that the whole people of the country should pay this large amount of money which we have cut down, \$900,000? Is it of so much importance that we shall extend this fast-mail service for the benefit of the few at the expense of the many? We have now a proposition to appropriate \$150,000 for a service that is limited to certain railroads named, yet to my mind the



same proposition still presents itself. While it may be and doubtless is of importance to certain portions of the country, it is not of that importance that will justify taking out of the Treasury of the whole people that amount mainly for the benefit of a few.

But the principal point which I desired to mention was the view that I took of it as a member of the conference committee, and I only did so because I regarded the course pursued by that committee as right and as a settlement of the question. I think so yet, and I therefore stand by the report of that committee, which has been adopted by both Houses.

Mr. HAMLIN. I want to say one word in relation to what has fallen from the Senator from Texas. The Senator from Texas is right in saying that the whole committee agreed to the report in relation to the post-office appropriation bill; but that Senator will recollect distinctly, I am quite sure, that it was done under the expression of the belief that it would not stop what were called the fast-mail trains. That was the belief expressed by all the House members of the committee; and while it was not my opinion I knew very well that I might err and they might be correct. I therefore agreed to it.

This is the case in a nut-shell: We have here a bill that appropriates \$1,000,000 to establish exterior post-offices and post-routes, to which I agreed as a matter of right; but when you come to the great arteries that furnish the communication and the revenues of your Department, which do the great amount of business, and they ask that they shall be accommodated in the transmission of the mails they receive twenty-four hours between Chicago and New York, and that it shall be done only at the expense of \$150,000, I appeal to the Senator from Texas and ask if it is not a policy which those who are interested in the little offices ought to adopt? I ask if in justice, I ask if in right, I ask if in accordance with the best interests of the service, the great channels ought not to be accommodated to that small extent, while we are at the same time accommodating the exterior offices to the amount of \$4,000,000? That is the way in which it is presented precisely. It is simply and only to remedy a condition of things which it was believed would not exist if the 10 per cent. reduction on the railroad service was adopted all over the country. A road that carries your mail thirty-five miles an hour is entitled to more compensation than that which makes but twenty miles.

The whole question is whether we shall restore this fast service. I believe it ought to be done. I am quite sure, I am positive that if I had known the reduction would have discontinued this service I never would have agreed to the report of the conference committee. Every member who did sign it signed it with the belief that it would not accomplish that result. To that extent it would change the action of the report of the conference committee if this amendment should be adopted, none else; it only meets a contingency which it was not then supposed would arise. I have nothing further to say.

Mr. MITCHELL. I should like to inquire of the Senator from Maine whether he thinks the action on the part of the railroad companies was simply a "bluff game," or whether they could not afford to carry the fast mail?

Mr. HAMLIN. They cannot do it at the reduced rate.

Mr. SAULSBURY. In addition to what the Senator from Texas has said in reference to this proposition in relation to the report of the conference committee, I think we ought to consider this question carefully. The proposition is to pay certain railroads, two, I believe, a specified sum of money for placing upon their lines fast-mail trains. That these fast-mail trains would be an accommodation to a certain extent, and to a very considerable extent, I admit, to certain business interests of the country. There can be no question about that.

In the first place, while we are economizing, while even the public service is said to be greatly embarrassed by the economy which is instituted, is it not proper to be careful how we pay for that special service which is but a luxury to the business interests of the country? It is not indispensable, because their mails will be carried even if the fast mails shall not be put on. They will be carried in the usual time that they have heretofore been carried, because this fast-mail service is comparatively an experiment yet. Besides that, there are other sections of country than those which are supposed to be aided by fast-mail service that have equal claims upon the attention of Congress. What particular advantage should New York and Chicago and other northern cities which are benefited by this service have over other sections of the country? For instance, suppose the Baltimore merchants desire a fast mail, they have as much claim to be served with that fast mail as the merchants of New York and the merchants of Chicago. Suppose some men want a fast-mail train from here to New Orleans by the way of Richmond and Atlanta. They have just the same right to ask that a small appropriation shall be made for that. Where, I ask, is the expense of this service to stop?

Besides, I do not hesitate to say that your mails will go by fast trains whether you adopt this amendment or not. I know that it is desirable to the railroad companies to be paid liberally for these fast-mail trains, and I am aware that they have threatened to discontinue the service if they are not paid; but as an American Senator, legislating for the interests of the whole people, I close my ears to the threats of the railroad companies in any such thing. If it does not pay, then let them not do it; it is their right, their privilege, to stop;

but their threats to me are not to influence my action in any respect. If I am willing that the mail service shall be properly performed, then I close my ears, I repeat, to any intimation or threat on the part of any railroad corporation that they are going to discontinue a service which may be desirable to the business interests of society. Your fast mails will go, whether this amendment shall pass or not; but, as a matter of course, if the railroad companies by temporarily lopping off these mails can come to Congress and extort appropriations to carry them, they will do so. When they find that the Congress of the United States are determined not to yield to any such demand, they will comply with the wishes of the public. In my opinion they could afford to run even fast-mail trains without the 10 per cent.

After all, while I consider that the fast-mail trains are an advantage to the business interests of the country to a certain extent, I do not believe that they are of such paramount importance as to justify us in entering upon appropriations for carrying fast mails through every portion of this country; because it would tax very heavily the Post-Office Department and increase the expenses of that Department. I see no special reason why a particular section or locality should have the benefit of this service, which is not proposed by this amendment to be extended to other sections of the country. It is said that they are benefited in certain points beyond these centers. I ask if the mails for Richmond and Saint Louis have to be carried to Chicago to be distributed. There are mails to Cincinnati, there are mails to Louisville; and once you establish the policy that certain localities shall have the advantage of fast-mail trains by special appropriations in that behalf, you will have petitions here from other sections of the country praying that similar justice may be done to them, and that they may have the same advantage.

I dislike very much to vote against any amendment which emanates from the Committee on Post-Offices and Post-Roads, especially when it meets the approbation of the chairman of that committee, who I know is very careful in all he does on a question of that kind; but an honest conviction that this amendment ought not to pass induces me, reluctantly, I admit, to vote against it.

Mr. DENNIS. I am in favor of the amendment offered by the Senator from Maine, because any restriction upon the transmission of information is a step backward in this age. I am not only willing to vote for that amendment but I move to add to it the following:

And to enable the Postmaster-General to arrange for fast-mail trains over the Philadelphia, Wilmington and Baltimore Railroad and over the Baltimore and Ohio Railroad and its connections to Washington, Saint Louis, and Chicago, \$75,000.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. (Mr. BURNSIDE in the chair.) The question recurs on the amendment of the Senator from Maine as amended.

Mr. DAVIS. Let it be reported as amended, so that we may understand it.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. It is proposed to insert as section 2 the following:

SEC. 2. That the sum of \$150,000 be, and is hereby, appropriated out of any moneys in the Treasury arising from the revenues of the Post-Office Department for the fiscal year ending June 30, 1877, in addition to the sum appropriated for inland mail transportation by railroad by an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes," approved July 12, 1876: *Provided*, That the Postmaster-General is hereby authorized to only apply this sum in restoring, so far as it may be possible to do so, the transportation of the mails by fast-mail trains over the New York Central and Hudson River and Lake Shore and Michigan Southern Railroads, between New York and Chicago, and over the Pennsylvania Railroad and its connections between New York and Saint Louis, New York and Chicago, and New York and Cincinnati; and to enable the Postmaster-General to arrange for fast-mail trains over the Philadelphia, Wilmington and Baltimore Railroad and over the Baltimore and Ohio Railroad and its connections to Washington, Saint Louis, and Chicago, \$75,000.

Mr. SAULSBURY and Mr. HARVEY called for the yeas and nays, and they were ordered.

Mr. SAULSBURY. I know that this proposition is calculated to increase the expenses of the Post-Office Department, and I think that the expenses of that Department are already sufficiently high. This was the judgment of the Senate in passing upon the post-office appropriation bill. I do not know where this matter is to stop. If we are to go on all over the country and pay for extra mail service, where is the limit?

Mr. HAMLIN. If the Senate will lay this bill on the table or indefinitely postpone it we can save another million of dollars. It is a simple question whether you will expend a million of dollars to have new routes and then deny the great heart of the country that communication which it needs.

Mr. SAULSBURY. So far as the provisions of the bill are concerned it is simply to extend the ordinary postal facilities by connections to neighborhoods that do not now have them. The general object of the bill is simply to establish post-routes where the people have no post-routes. To that bill it is proposed to append a provision to pay for specified services for certain localities where they have already great postal facilities. The amendment of the Senator is not on a par with the general provisions of the bill. I am aware of the character of the bill. It is to establish certain post-routes. Why? Because there are certain localities that have no postal facilities. To such a bill is appended an amendment to pay for special service by



fast-mail trains, for the benefit of certain other localities that already have very great postal facilities. There is a very marked difference between the general features of the bill and the amendment of the Senator from Maine. At any rate, I shall record my vote against the whole bill if such a provision as that is made.

Mr. HITCHCOCK. I trust that the amendment of the Senator from Maine will be adopted. I believe that the business interests of the country demand that this fast mail shall be kept up and maintained. The only objection I have to it is that it does not go far enough. While it provides for the transmission through the main arteries of commerce of this fast mail, it stops before it reaches the end. I believe that this fast mail should not only be put on and kept on to Chicago, but be extended to Omaha.

The objection is raised by the Senator from Delaware that it is to give specific facilities to localities. The proposition is to extend fast mails through the whole central arteries, and I believe that it is for the general good that this proposition should be adopted. While I do not desire, by the amendment which I propose to offer, to embarrass it in any way, I wish to have a vote of the Senate upon a proposition to extend the fast-mail service from Chicago to Omaha.

Mr. HAMLIN. I hope the Senator will not offer that amendment now. Let us hold on to what we have got. I trust the time will come, I doubt not it will, under a commission which will be appointed in pursuance of the law we have passed this year to arrange the compensation of our railroads, when we shall ultimately regulate the cost of transporting our mails upon three principles, speed, weight carried, and amount of service rendered. It is now done almost exclusively upon weight. But in doing so much as we do, my friend from Nebraska will get his mail twenty-four hours earlier by keeping this amendment in than he gets it to-day. The effect will be the same in the East; so that all the length and breadth of the land will receive the benefit of the twenty-four hours which are saved by the present fast mail. I have no more doubt about it than I have of my existence that there ought to be a great trunk fast mail through the country east and west and another north and south, with their compensation predicated upon the rate of speed that they make and the amount of service they perform. Then the smaller routes and the smaller offices will all reap the benefit, though not as immediate and direct as the others. I hope the Senator from Nebraska will not embarrass the bill by adding on to it collateral questions by amendments to the amendment; but let us take the amendment as it now is and have the sense of the Senate upon it.

Mr. PADDOCK. I desire to remind my colleague on the Committee on Post-Offices and Post-Roads, the distinguished chairman of the committee, that this shortening of time between Chicago and Omaha is not alone for the benefit of Omaha and Nebraska. That is the connecting link between the whole country to the westward, and half a continent will have the speed of its mail increased at least twenty-four hours if this service can be extended to Omaha. All of California and Oregon, all the Pacific coast from the southernmost limit of California to Alaska will receive the benefit of such an extension. It certainly is a very important amendment and ought to be adopted. I feel myself authorized to say this because the question did not arise and was not considered by the committee as a whole. While I agree with my friend that nothing should be done to embarrass the progress and final passage of this bill, and indorse the sentiment, in that respect, of my colleague from my own State, yet at the same time the proposition of my colleague is so important a thing to be accomplished that it seems to me that the Senate ought readily to consent that it should be done.

Mr. LOGAN. I agree with the Senator from Maine. I certainly have no opposition to, or desire to interfere with, the proposition of the Senator from Nebraska; but believing that we can get what the Senator from Maine proposes and that it is all we can get, I shall certainly support his amendment. The time shortened between New York and Chicago, so far as the expense is concerned, more than repays the people who are benefited by these fast-mail trains in the saving of interest between business men in the transmittal of checks, drafts, &c., between those two cities. If you cut off the number of hours each week that is saved between these cities, the amount of interest on the commercial paper that passes between these two cities, by any kind of calculation you will find the benefit to those people much greater, to such a degree, it seems to me, that the country cannot afford to strike down the facilities that have been afforded to those people in their mail matter. All I desired was to make the one suggestion which I have made.

Mr. HARVEY. The Senator from Maine says that we should hold on to what we have got. Let us see what we have got if the amendment is adopted as it stands. We have got two lines running east and west through the northern section of the country, one line running from Philadelphia over the Philadelphia and Wilmington road by way of Baltimore to Washington, and then diagonally across one of the other fast lines to Chicago, making three lines to be picked out specially by legislation here and paid an extravagant rate of compensation for carrying the mails between certain points in a very small portion of the country, resulting, as I admitted at first, in some benefit to the people engaged in financial and commercial speculations.

Mr. HAMLIN. If the Senator wants to be correct, and certainly he is incorrect, will he allow me to correct him?

Mr. HARVEY. Yes, sir.

Mr. HAMLIN. The Department did not pay these fast-mail trains one more red cent than it paid any other mail-train anywhere else that went twenty miles an hour in my State, or that went twenty miles an hour in his State—not one mill more.

Mr. HARVEY. Does the Senator mean that this amendment as it stands pays them no more than other roads are to be paid?

Mr. HAMLIN. I mean that under the old law the fast-mail trains were paid no more than was paid other roads. They cannot perform the service with the 10 per cent. cut off, and now on these fast roads we propose to put the 10 per cent. back. I undertake to tell the Senator and the Senate that it is not proposed to pay them as much as they receive for carrying freight over these roads.

Mr. HARVEY. The proposition does not involve what was done under the old law as relates to this matter, because the old law made no provision for this fast-mail business. It was an experiment entered into by the Post-Office Department upon its own motion, as I understand it. If I may be pardoned the expression, it looks like dodging the question to say they are getting no more because you take 10 per cent. off the rest and then restore 10 per cent. so far as these particular lines are concerned.

Mr. HAMLIN. The Senator was speaking of what the Government had paid, and I simply said that it had not paid to these trains any more than it had paid to others.

Mr. HARVEY. I am speaking of what the Senator proposes in this amendment.

Mr. HAMLIN. I propose in the amendment to pay the old rate, which is 10 per cent. more than the rate now paid.

Mr. HARVEY. And the 10 per cent. is cut off elsewhere.

Mr. HAMLIN. Yes, on twenty-five-miles-an-hour roads.

Mr. HARVEY. Elsewhere except on these few roads, picked out as by a special favor in a legislative act.

Mr. HAMLIN. They are great arteries of business.

Mr. HARVEY. O, yes; great arteries of business.

Mr. WEST. By reciprocal favor of service.

Mr. LOGAN. Will the Senator from Kansas allow me to make a suggestion to him? Does he not know that Chicago, speaking in regard to the roads west, is the great distributing office of the whole Northwest? It is the second office in the United States, and from that depot the mail matter goes to all the western country. More time is gained by having a fast mail from Chicago to New York than by having a fast mail from New York to any other place.

Mr. HARVEY. I will answer the Senator from Illinois. I know Chicago is a great city, and that the Chicago post-office is a great office and a good office; but I know that when you get a few miles away from Chicago, from the end of the line to which you propose to give this subsidy of 10 per cent. additional for carrying the mails at a little more brisk rate, the country is not benefited at all, because the connection is not continuous.

Mr. LOGAN. The country is benefited just twenty-four hours, or whatever number of hours is saved between Chicago and New York. The country receives that benefit because that time is taken off from all mails going west. They receive the mail just that number of hours sooner than they would otherwise receive it.

Mr. HARVEY. It so happens that we have had a little experience under this fast-mail line, and we know practically that so far as we are concerned in the interior of the country, in the very center of the continent, we got our mails no sooner than we did before. The parties who are benefited by this subsidy of 10 per cent. are the owners—probably that is saying too much—not the owners but the particular managers of these lines of railroad. In this day and age the owners of railroads often are not greatly benefited by subsidies that their roads receive, but the parties having the management of them are. I say they are benefited, and a few metropolitan newspapers are benefited, and two or three great cities are benefited, while the country at large pays the expense, while the country people can have no reasonable mail facilities afforded to them. When an effort is made in their behalf it does not meet the sanction of the Senate, and fails for that reason; yet some of us are ready it seems to vote for what is an essential subsidy of 10 per cent. above what other contractors for carrying the mails upon railroads receive in order that the mail may be carried in less time upon three lines crossing one another, as they do at one or more places and covering but a very small portion of the country, affording no additional facilities elsewhere.

Mr. LOGAN. I should like to ask the Senator a question. He says nobody is benefited except these great cities. Suppose that in the transmission of mercantile paper between New York and Chicago, on account of the saving of time, millions of dollars passing through the mails in that way, \$500,000 of interest that would be charged each day on these credits is saved to the merchants; would not the merchants be able to afford sales to the people at just that much less throughout the whole length of the country? Do not the people pay all the taxes on the goods? Is not all the expense counted together, and do not the people who purchase pay it all? Then if this amount is saved by the merchant, cannot the merchant afford to sell just that much cheaper to the people?

Mr. HARVEY. The people pay the taxes levied upon the merchant for the exorbitant rates which are charged upon freight and expressage. They pay the tax levied by these very same persons upon the



products of their farms, their factories, and their mines, and they are called upon now to pay \$225,000 additional to afford these facilities to the people engaged in transporting back and forth and in the business of exchanging merchandise, while the benefit, as I say, so far as the masses of the people are concerned, amounts to nothing, for the reason that the speed given upon these few lines is lost by breakage of connection upon other lines before this mail matter reaches the mass of the people. We are called upon to subsidize three railroads running through one little corner of the country at an expense to the rest of the people of the United States of \$225,000. That is what the proposition is.

Mr. LOGAN. I would state one other point to the Senator. The very cities that he complains of as being benefited, the cities of Chicago and New York—

Mr. HARVEY. I do not complain that they are benefited.

Mr. LOGAN. No, but one city which the Senator says is benefited, the city of Chicago, pays more revenue to the United States Government than any other district in the United States, and the record shows it. The Government is indebted more to that city for revenue of an internal character than to any other district in the United States of America, and more than all New England combined.

Mr. HARVEY. I have not said a word about Chicago.

Mr. WEST. Mr. President, the Senator from Kansas regrets that the people of the United States are to be taxed \$225,000 more for carrying their mails. It is a very lamentable fact perhaps in his estimation that they are taxed at all. It is a very great misfortune in his estimation that they have to pay \$30,000,000 a year for these mail facilities. But in their own estimation and in the estimation of the Senate there is no direction in which the money of the people is spent as much to their advantage as in sustaining the mail system of the Government.

Then he also regrets that some railroads are to get more than others. When the honorable Senator leaves this Chamber, as he will in a few days, he will have his selection of a route, and I ask him will he take a twenty-mile-per-hour train at \$6 to New York, or will he take the limited express and expedite his business, and pay \$10 and get through more expeditiously and more comfortably? So it is with the mail. We pay some companies so much for carrying it so fast; we pay others in proportion to the character of the service they render and the benefit they may be to the public.

But I want to say one word with reference to the amendment offered by the honorable Senator from Nebraska, [Mr. HITCHCOCK.] It can only embarrass this question. He can have no expectation of seeing it enacted into a law, for the reason that it was put upon the post-office appropriation bill quite recently, was sustained by the Senate, but—

Mr. PADDOCK. My friend will allow me.

Mr. HARVEY. Will the Senator, before—

Mr. WEST. I cannot hear two at once. I yield to my friend from Nebraska.

Mr. PADDOCK. I desire to correct my friend from Louisiana in respect of the matter which he states. The amendment to which he refers was another amendment covering another subject, the question of the Sunday mail between Chicago and the eastern terminus of the Union Pacific road, and did not relate at all to the question of fast trains.

Mr. WEST. Will the Chair have the kindness to have the amendment of the Senator from Nebraska [Mr. HITCHCOCK] read.

Mr. PADDOCK. The amendment of which the Senator speaks ought to be incorporated in the bill, because it makes a difference of one day's service for all the trans-Missouri country, all the country between the Missouri River and the Pacific Ocean, and I understand that it will be offered by the honorable Senator from Iowa at the proper time.

The Chief Clerk read the amendment of Mr. HITCHCOCK.

Mr. WEST. I ascertain that I did misconceive the scope of the amendment; but at the same time the Senator from Nebraska must be aware that if this proposition is embarrassed with extensions in all directions, they will weight it so down that it will be impossible to accomplish what we want. Now if the Senator from Kansas desires to ask me a question I will yield to him.

Mr. HARVEY. I wanted to ask whether the Senator supposes I object to appropriating money to the support of the Post-Office Department? I have stated repeatedly that I do not; but I want to see it appropriated in the interest of the people, and not in the interest of certain peculiar corporations or of a few classes. I want to see it made so that the people of the country can be equally benefited.

Mr. HITCHCOCK. I should certainly be unwilling to embarrass the passage of the amendment offered by the Senator from Maine.

#### SUPPRESSION OF INDIAN HOSTILITIES.

The PRESIDING OFFICER, (Mr. BURNSIDE.) The Chair asks indulgence to lay before the Senate a message from the President of the United States which has just been received. It seems to be of importance.

The Chief Clerk read as follows:

To the Senate and House of Representatives:

I transmit herewith a telegram of the 5th of August instant, from Lieutenant-General Sheridan to General Sherman, a letter of the 11th of the present month from General Sherman to the Secretary of War, and a letter from the latter, of the same

date, to me, all setting forth the possible needs of the Army in consequence of existing hostilities.

I would strongly urge upon Congress the necessity for making some provision for a contingency which may arise during the vacation, for more troops in the Indian country than it is now possible to send.

It would seem to me to be much more economical and better to authorize an increase of the present cavalry force by twenty-five hundred privates, but if this is not deemed advisable, then that the President be authorized to call out not exceeding five regiments, one thousand strong each, of volunteers, to serve for a period not exceeding six months.

Should this latter authority be given I would not order out any volunteers unless, in my opinion, based upon reports from the scene of war, I deemed it absolutely necessary, and then only the smallest number considered sufficient to meet the emergency.

EXECUTIVE MANSION, August 11, 1876.

U. S. GRANT.

WAR DEPARTMENT,  
Washington City, August 11, 1876.

The PRESIDENT:

I have the honor to transmit herewith the copy of a dispatch from Lieutenant-General P. H. Sheridan, dated the 5th instant, with a letter of this date from General Sherman, transmitting the same.

I desire to renew the expression of my opinion that the best way to re-enforce the troops now operating against the Indians will be to add the twenty-five hundred privates to the regiments already in existence; but if Congress should not do this, then I advise that the President be authorized, in his discretion, to call for volunteers not to exceed five thousand in number.

I trust that Generals Terry and Crook may be able to deal such a blow to the hostile Indians that even this may not be necessary; yet prudence dictates that measures should be taken to meet all possible contingencies.

Very respectfully, your obedient servant,

J. D. CAMERON,  
Secretary of War.

A true copy:

C. C. SNIFFEN, Secretary.

HEADQUARTERS ARMY OF THE UNITED STATES,  
Washington, D. C., August 11, 1876.

SIR: I have the honor herewith to transmit a copy of the dispatch of General Sheridan, of August 5, and invite your attention to the fact that after stripping nearly every post in his military division, except those in Texas and the South, he has only been able to re-enforce General Crook to the extent of seventeen hundred and seventy-four and General Terry to eighteen hundred and seventy-three men for offensive operations.

He has also re-enforced the garrison along the Missouri River and at the agencies of Spotted Tail and Red Cloud so as to prevent their lending assistance to the hostile camps.

Inasmuch as Congress may soon adjourn, prudence dictates that we should be prepared for any possible contingency; and if it is not possible to obtain the increase of twenty-five hundred men asked for our cavalry regiments, I would most respectfully advise that the President be requested to ask authority to accept the services of five thousand volunteers for the period of six months or during hostilities, these volunteers to be accepted and mustered in from the States and Territories most convenient to the theater of operations.

I have the honor to be, your obedient servant,

W. T. SHERMAN, General.

Hon. J. D. CAMERON,

Secretary of War.

A true copy:

C. C. SNIFFEN, Secretary.

CHICAGO, August 5, 1876.

General W. T. SHERMAN,  
Washington, D. C.:

I have not yet been able to re-enforce the garrison at Red Cloud, at Spotted Tail, or at Standing Rock to be strong enough to attempt to count the Indians or to arrest and disarm those coming in. I beg of you to see the Military Committee of the House and urge on it the necessity of increasing the cavalry regiments to one hundred to each company.

General Crook's total strength is seventeen hundred and seventy-four, Terry's eighteen hundred and seventy-three, and to give this force to them I have stripped every post from the line of Manitoba to Texas. We want more mounted men. We have not exceeded the law in enlisting Indian scouts, in fact have not as many as the law allows us; the whole number in this division is only one hundred and fourteen. The Indians with General Crook are not enlisted or even paid. They are not worth paying; they are with him only to gratify their desire for a fight and their thirst for revenge on the Sioux.

P. H. SHERIDAN,  
Lieutenant-General.

A true copy:

C. C. SNIFFEN, Secretary.

Mr. LOGAN. I move that the communications be printed and referred to the Committee on Military Affairs.

The motion was agreed to.

#### PUBLICATION OF ARMY REGULATIONS.

Mr. LOGAN. Now while I am up I ask leave to introduce a joint resolution and ask that it be printed and lie on the table. It is a resolution in reference to Army matters.

There being no objection, leave was granted to introduce a joint resolution (S. R. No. 24) providing for the postponement of the publication of the Army Regulations.

The joint resolution was read at length, as follows:

Whereas the President was, by act of Congress approved March 1, 1875, authorized to make and publish regulations for the government of the Army in accordance with existing laws; and whereas by act of Congress approved July 24, 1876, a commission was created, to which has been referred the whole subject-matter of reform and re-organization of the Army of the United States: Therefore,

Resolved by the Senate and House of Representatives, &c., That the President be requested to postpone all action in connection with the publication of said regulations until after the report of said commission is received and acted on by Congress at its next session.

Mr. LOGAN. If there be no objection to that, I should like to have it passed; but if there is, I will ask that it be printed and lie on the table. It is a matter of some importance. It prevents the publica-



tion of regulations until the Army commission shall meet and examine the subject.

Mr. ALLISON. That ought to pass.

Mr. LOGAN. I should like to have it passed without reference, if the Senate will permit.

By unanimous consent the joint resolution was read three times, and passed.

#### THE POST-ROUTE BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3628) establishing post-roads, the pending question being on the amendment submitted by Mr. HITCHCOCK to the amendment of Mr. HAMLIN.

Mr. HITCHCOCK. I was saying, Mr. President, when I was interrupted that I should be very sorry to embarrass the amendment of the Senator from Maine by any amendment which I should offer. I am very anxious, as anxious as any one can be, that we shall get something in return for the abandonment of the fast-mail train, so called. I am very willing and very glad, if we cannot get what we think we should have and what we want, to take what we can get; but it seems to me the Senator is a little inconsistent. He proposes to decrease the time for the carrying of the mails through the great center of this country by decreasing that time by giving us a fast mail on two routes from the East as far west as Chicago and then stopping. My proposition is by a small appropriation comparatively, \$40,000, to give to that whole scope of country west of Chicago one day's shortening of time.

I cannot see why, great as Chicago is, Chicago should receive the benefit of two fast-mail trains from two different directions and that there that advantage should stop. I cannot see why Washington Territory, Oregon, and California, and Nevada, and Idaho, and Montana, and Colorado, and Utah, and Nebraska, and Kansas, and Iowa, and Dakota, and the whole vast country there, should not by the appropriation which I propose receive the advantage of one day in fast mails while the country east of that receives the advantage of a fast mail over two separate and distinct lines. It does seem to me that if economy is the purpose, we could economize by giving a fast mail over the one central line between New York and Chicago, and give a fast mail from Chicago for the five hundred miles which I propose. It seems to me that that appeals to the reason and judgment of the Senate and of the country; and while I am unwilling to embarrass the passage of the bill, I do think that I am entitled to a vote on the merits of the amendments I have proposed.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska [Mr. HITCHCOCK] to the amendment of the Senator from Maine, [Mr. HAMLIN.]

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Maine as amended.

Mr. BOGY. I desire to offer an amendment to the amendment. By the amendment now pending the northern line is provided for. While it is true that Chicago is the great distributing point for that whole northwestern country, yet it is also true that Saint Louis is a great distributing point for another great section of country; and the object of my amendment is to carry on this same line between Chicago and Saint Louis so as to extend the service on the northern fast line as provided in the amendment, by the way of Chicago to Saint Louis, leaving Chicago, however, to be what Chicago is, a great distributing point, but to carry on the mails that are not to be distributed at that point but are to be distributed at Saint Louis, down to Saint Louis by a fast train. I move to insert after the word "Chicago" the words:

And over the Alton, Chicago and Saint Louis Railroad to Saint Louis.

In that way Chicago will receive mail facilities directly from New York by the roads mentioned in the amendment of the Senator from Maine, also from Philadelphia through the Pennsylvania Central, and from Baltimore by the amendment offered by the Senator from Maryland, and Saint Louis will receive the same, and so will Cincinnati. Thus these three great points in the West will be placed exactly on the same footing as to facilities for the fast mail, and this will be attained by the adoption of my amendment, which is after "Chicago" to insert "and over the Alton, Chicago and Saint Louis Railroad to Saint Louis."

Mr. ALLISON. Allow me to suggest to the Senator from Missouri that he do not insert any particular railroad between Chicago and Saint Louis. I think there are two or three lines, and it might be that a better arrangement could be made with one of the other lines than the one he specifically mentions. Let it be open.

Mr. BOGY. I concur with the Senator and am willing to receive the suggestion. I thought of it myself and suggested to the Senator from Maine to make the same thing applicable to his whole amendment. In the appropriation there ought to be no roads mentioned, but we should leave the power with the Postmaster-General to make the best arrangement he can with any road between New York and Chicago, Chicago and Saint Louis, Philadelphia and these points. But the amendment having been matured by my friend from Maine, and as these railroads had made the contract, I thought it better not to make the change. I will, however, receive the suggestion of my friend from Iowa, for I think it is an improvement, and provide sim-

ply that the mails should be carried on to Saint Louis. The Clerk will put in the proper words.

Mr. HAMLIN. I have no objection to the amendment in that form.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri to the amendment of the Senator from Maine.

The amendment to the amendment was agreed to.

Mr. ALLISON. I desire to offer an amendment which I think ought to be adopted, not proposing a fast mail between Chicago and Omaha, but proposing an amendment which will authorize a daily mail between Chicago and Omaha.

Mr. HAMLIN. Do not connect it with this amendment; offer it afterward. I ask the Senator to offer it on its own merits.

Mr. ALLISON. Very well; I withdraw it for the present.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maine, as amended, on which the yeas and nays have been ordered.

Mr. HARVEY. I wish simply to call the attention of the Senate to the fact that this is the inauguration of a system of subsidies to favorite railroad lines.

Mr. HAMLIN. I do not think that is worth replying to at this stage of the session.

Several Senators. Let the amendment be read as amended.

The Chief Clerk read as follows:

SEC. 2. That the sum of \$150,000 be, and is hereby, appropriated, out of any moneys in the Treasury arising from the revenues of the Post-Office Department for the fiscal year ending June 30, 1877, in addition to the sum appropriated for inland mail transportation by railroad by an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes," approved July 12, 1876: *Provided*, That the Postmaster-General is hereby authorized to only apply this sum in restoring, so far as it may be possible to do so, the transportation of the mails by fast-mail trains over the New York Central, and Hudson River, and Lake Shore and Michigan Southern Railroads between New York and Chicago and to Saint Louis, and over the Pennsylvania Railroad and its connections between New York and Saint Louis, New York and Chicago, and New York and Cincinnati.

SEC. 3. That to enable the Postmaster-General to arrange for fast-mail trains over the Philadelphia, Wilmington and Baltimore Railroad, and over the Baltimore and Ohio Railroad and its connections to Washington, Saint Louis, and Chicago, \$75,000, to be paid out of the revenues of the Post-Office Department for the year ending June 30, 1877.

The question being taken by yeas and nays, resulted—yeas 30, nays 18; as follows:

YEAS—Messrs. Allison, Anthony, Boggy, Boutwell, Burnside, Cameron of Wisconsin, Christiancy, Conkling, Cragin, Davis, Dawes, Dennis, Frelinghuysen, Hamlin, Howe, Ingalls, Kelly, Kernan, Logan, McDonald, McMillan, Mitchell, Morrill, Oglesby, Paddock, Randolph, Sargent, Wadleigh, Wallace, and West—30.

NAYS—Messrs. Clayton, Cockrell, Cooper, Eaton, Edmunds, Gordon, Harvey, Hitchcock, Key, McCreery, Maxey, Merrimon, Norwood, Ransom, Saulsbury, Sherman, Spencer, and Stevenson—18.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Booth, Bruce, Cameron of Pennsylvania, Conover, Dorsey, Ferry, Goldthwaite, Hamilton, Johnston, Jones of Florida, Jones of Nevada, Morton, Patterson, Robertson, Sharon, Thurman, Whyte, Windom, Withers, and Wright—23.

So the amendment was agreed to.

Mr. HAMLIN. I have another amendment which I offer by direction of the Committee on Post-Offices and Post-Roads:

SEC. —. That from and after the passage of this act the bonds of all postmasters may, by direction of the Postmaster-General, be approved and accepted, and the approval and acceptance signed by the First Assistant Postmaster-General, in the place and stead of the Postmaster-General; and all contracts for stationery, wrapping-paper, letter-balances, scales, and street letter-boxes, for the use of the postal service, in like manner may be signed by the First Assistant Postmaster-General, in the place and stead of the Postmaster-General, and his signature shall be attested by the seal of the Post-Office Department.

SEC. —. That the Second Assistant Postmaster-General, on the order of the Postmaster-General, shall sign with his name, in the place and stead of the Postmaster-General, and attest his signature by the seal of the Post-Office Department, all contracts made in the said Department for mail transportation and for supplies of mail-bags, mail-catchers, mail-locks, and keys, and all other articles necessary and incident to mail transportation.

SEC. —. That the Third Assistant Postmaster-General, when directed by the Postmaster-General, shall sign with his name, in the place and stead of the Postmaster-General, all warrants on the Treasurer of the United States for the payment of money out of the Treasury for the use of the postal service; and shall also sign, in his name, in the place and stead of the Postmaster-General, and attest his signature by the seal of the Post-Office Department, all contracts for supplies of postage-stamps, stamped envelopes, newspaper-wrappers, postal cards, registered-package envelopes, locks, seals, and official envelopes for the use of postmasters, and return of dead letters, that may be required for the postal service.

Mr. WITHERS. I would ask the Senator from Maine to withdraw that amendment for a moment, in order that I may offer one in connection with the subject of fast-mail trains. This relates to a different matter entirely.

Mr. HAMLIN. Will the Senator state what he wants?

Mr. WITHERS. The amendment which I propose to offer, if the Senator permits me to offer it now, is to insert the following:

SEC. —. That the Postmaster-General be, and he is hereby, authorized to contract for the transmission of a fast mail daily from Washington to New Orleans, via Richmond, Virginia; and that the sum of \$100,000 be, and the same is hereby, appropriated out of the revenues of the Post-Office Department for the performance of this service.

Mr. HAMLIN. That can come in afterward. All there is in this amendment is simply to authorize the several Assistant Postmasters-General to sign the proper papers that go from their several departments instead of compelling the Postmaster-General to do it. The Postmaster-General told me yesterday that he had been four days all the time continuously signing mail contracts and they did not emanate



from him but emanated from the Second Assistant Postmaster-General. This is simply to allow the various assistants to certify as the Postmaster-General has heretofore certified, leaving the Postmaster-General with his time to devote to the interests of the country and the Bureau officers to make the proper certificates. I think there will be no objection to it.

Mr. EDMUNDS. I should like to have the last part of the amendment which relates to drawing money from the Treasury read.

The PRESIDING OFFICER. It will be read.

The Chief Clerk read as follows:

That the Third Assistant Postmaster-General, when directed by the Postmaster-General, shall sign with his name, in the place and stead of the Postmaster-General, all warrants on the Treasurer of the United States for the payment of money out of the Treasury for the use of the postal service.

Mr. EDMUNDS. I do not think that is a good amendment, and I submit it to my friend from Maine. I think it departs from the universal history and custom of the Government, which has required all moneys drawn from the Treasury to be on the requisition of the heads of the Departments in respect of which they are to be applied, and I move to strike out that part of the amendment.

Mr. HAMLIN. I think that rule is observed to a certain extent in the Treasury Department now; but it is of very slight importance compared with the two previous sections, which include the great amount of manual labor. I have, therefore, no objection to the Senator's motion.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont to the amendment of the Senator from Maine.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

Mr. WITHERS. Now I offer my amendment, to insert as an additional section the following:

SEC.—That the Postmaster-General be, and he is hereby, authorized to contract for the transmission of a fast mail daily from Washington to New Orleans, via Richmond, Virginia; and that the sum of \$100,000 be, and the same is hereby, appropriated out of the revenues of the Post-Office Department for the performance of this service.

I merely wish to state that as by the amendments to the bill which have already been adopted provision is made for three fast-mail trains from east to west, I think in carrying out the suggestion of the Senator from Maine who offered the original amendment it would be well enough to put in at least one provision extending these facilities and advantages to the southern communities and southern cities. We have now no mail facilities, scarcely those of an ordinary character even, and I think it would comport with the interests of the whole country as well as of that section to give us the benefit of one fast mail.

Mr. HAMLIN. In view of the routes for which this fast-mail service has already been provided I have only this to say, that I regard the amendment offered by the Senator from Virginia as eminently proper and will give to it my vote.

Mr. BOGY. Before the vote is taken I will make a suggestion. I think it very likely so large an amount will not be necessary. I move, therefore, to insert after "dollars" the words "or so much thereof as may be necessary." I hope my friend will accept the suggestion.

Mr. WITHERS. I accept the suggestion.

The PRESIDING OFFICER. The amendment of the Senator from Virginia will be so modified.

The amendment, as modified, was agreed to.

Mr. ALLISON. Now I offer the following amendment to come in as an additional section:

SEC.—That the Postmaster-General is hereby authorized to contract for the daily transmission of mails between Chicago and the eastern terminus of the Union Pacific Railroad at a cost for extra service not exceeding \$25,000.

Mr. EDMUNDS. That is to Omaha in fact, is it not?

Mr. ALLISON. To Council Bluffs.

Mr. PADDOCK. I suggest to the Senator that he change it from "eastern terminus" to "Omaha."

Mr. ALLISON. No, sir; I prefer not to do that, for the reason that I want to connect with the Union Pacific Railroad, and I do not know exactly where it commences.

Mr. PADDOCK. There is a little complication about the question of transfer there which might get in the way of the transportation of the mail.

Mr. ALLISON. I propose to get rid of that complication. I think the amendment had better be left as it is.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa.

Mr. DAVIS. I ask the Senator whether he has not already a daily mail between these two points? They are prominent points, and I take it there should be a daily mail there.

Mr. ALLISON. I will state to the Senator from Virginia that there has been a daily mail between Chicago and the eastern terminus of the Union Pacific Railroad. That daily mail was arranged for by a contract of the Postmaster-General for the extra service, the Sunday service, so called, at the rate of \$25,000 per annum; but under the post-office appropriation bill which was passed a few days ago from necessity that mail will be cut off, or at least there is danger of its being cut off unless provision is made for it, and therefore I move to insert the provision. It was in this post-office appropriation bill, but struck out by the committee of conference.

Mr. DAVIS. I see no special reason why a Sunday mail should be provided for a particular road. The other roads I believe run a Sunday mail and are paid by the weight of the mail. This is an extra compensation, independent of the regular pay for carrying the mail by the pound. Other roads run the Sunday mail without extra pay, and I see no reason why an extra provision should be made for a special road.

Mr. ALLISON. I will explain to the Senator from West Virginia. These railroads between Chicago and Omaha are only required to transport the mails six times a week, but there being three of them, they have arranged to carry one mail a week extra, alternating over the three roads; and therefore if this mail is continued they must receive some compensation for it. The Senator very well knows that these railways between Chicago and Omaha carry the great through mail between New York and San Francisco; and if they do not carry it daily, passengers and mails will be obliged to lay over at Chicago going westward and at Omaha coming eastward.

Mr. RANDOLPH. This is so much additional service, I understand.

Mr. ALLISON. It is additional service.

Mr. DAVIS. It is additional service in this way: It is additional to the regular pay paid to other roads. They are paid, as I understand, by the pound so much per mile, regulated by the weight carried. If this \$25,000 extra is paid, it is an extra payment to this particular road over other roads. I believe I am right about that.

Mr. ALLISON. The Senator does not seem to understand that these mails will go over these several roads six times a week unless this provision is made, and when this provision is made the mails will go seven times a week and connect with the Union Pacific Railway which starts from Omaha every morning in the year. Otherwise the mail will be obliged to lay over once a week twenty-four hours.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa.

The amendment was agreed to.

Mr. INGALLS. Mr. President, the arrangement for the transmission of mails, as it stands under the bill and the amendments that have now been made to it, seems exclusively to favor what may be called the extreme northern line across the continent. We have provisions for the transmission of the mails from New York via the Lake Shore and Michigan Southern to Chicago, and thence across Iowa to the city of Omaha or Council Bluffs, there connecting with the Union Pacific Railroad.

Mr. HITCHCOCK. The fast mail was not extended to Omaha.

Mr. INGALLS. A daily mail; the Senator is very technical. There is also provision for the transmission of a fast mail from Chicago to Saint Louis, and there it stops. By this arrangement, partial and incomplete and unsatisfactory as I believe it to be, the southwestern portion of the country is left entirely unaccommodated. It is not necessary for me to call the attention of the Senate to the fact that that portion of the country embraces a large part of the area of the State of Kansas, the Indian Territory, the State of Colorado, and the Territories of Arizona and New Mexico. It is, therefore, in my judgment, essential that, to prevent this partiality, the system should be continued still farther from Saint Louis to give that portion of the country the same advantages that are now received by the northern and northwestern portions of the country. I therefore propose the following amendment:

SEC.—That the Postmaster-General is hereby authorized to contract for the transmission of fast mails between Saint Louis and Topeka, Kansas, and that the sum of \$50,000, or so much thereof as may be necessary, is hereby appropriated out of the revenues of the Post-Office Department for the performance of this service.

The reason why I name the city of Topeka is because at that point the Kansas Pacific Railroad, extending directly west to the city of Denver, and the Atchison and Topeka Railroad, extending in a southwestern direction across the State of Kansas into Colorado to Pueblo, where it there connects with the Denver and Rio Grande Railroad, intersect, so that the mails arriving from Saint Louis can there be distributed upon both these great trunk lines. I think, sir, a mere statement of the necessities of that portion of the country will be sufficient to recommend this amendment to the favorable consideration of the Senate.

Mr. HAMLIN. I shall not undertake to take up the time of the Senate in arguing the question; but this is running the thing to that extreme degree which makes it an amendment that the Senate ought not to adopt.

Mr. INGALLS. When the Senator from Maine speaks about running it to an extreme that the Senate ought not to adopt, I beg him to correct his geography. The city of Topeka is but very little further west than the city of Omaha, and the provision that is made extends now to that city; and it certainly is no more than just that the advantages of this system should be extended westward from Saint Louis as well as from Chicago.

Mr. HAMLIN. The Senator's amendment would commend itself to my judgment with almost as much propriety if he had included some point in the Indian Territory beyond. It does not embrace that population nor does it furnish that amount of revenue which will justify what you call your fast mail, any more than every little remote inland office would demand a daily mail by star service. It has not been extended to Omaha, as the Senator supposes.

Mr. HITCHCOCK. I rose to correct the Senator in that respect.



Mr. HAMLIN. I will not take up the time of the Senate.

Mr. HITCHCOCK. Unfortunately it was not extended to Omaha.

Mr. INGALLS. I submit the amendment to the consideration of the Senate, as I suppose I have a right to do.

Mr. HAMLIN. Certainly.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas.

The amendment was rejected.

Mr. MAXEY. I submit the following amendment:

That the Postmaster-General is authorized to contract for fast-mail service between the city of Saint Louis, Missouri, and Galveston, Texas.

Mr. HAMLIN. I hope it will not be adopted. That is all I have to say.

Mr. MAXEY. The amendment already adopted carries this fast-mail service to Saint Louis. I think its extension to Texas is very important.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Texas.

The amendment was rejected.

Mr. PADDOCK. I offer an amendment covering three additional sections.

The amendment was read, as follows:

SEC. — That it shall be lawful to transmit through the mail, free of postage, any letters, packages, or other matters relating exclusively to the business of the Government of the United States: *Provided*, That every such letter or package to entitle it to pass free shall bear over the words "official business" an indorsement showing also the name of the Department, and, if from a bureau or office, the names of the Department and bureau or office, as the case may be, whence transmitted. And if any person shall make use of any such official envelope to avoid the payment of postage on his or her private letter, package, or other matter in the mail, the person so offending shall be deemed guilty of a misdemeanor, and subject to a fine of \$300, to be prosecuted in any court of competent jurisdiction.

SEC. — That for the purpose of carrying this act into effect, it shall be the duty of each of the Executive Departments of the United States to provide for itself and its subordinate offices the necessary envelopes; and, in addition to the indorsement designating the Department in which they are to be used, the penalty for the unlawful use of these envelopes shall be stated thereon.

SEC. — That Senators, Representatives, and Delegates in Congress, the Secretary of the Senate, and Clerk of the House of Representatives may send and receive through the mail, free of postage, letters, documents, packages, and other matter relating exclusively to public business: *Provided*, That such Senator, Representative, or officer shall write upon each letter, document, or other matter so sent by him his name, with the proper designation of the office he holds; and the same penalty is prescribed for the violation of the provisions of this section as that provided in section 1 of this act for officers of the United States: *Provided*, That the penalty herein shall not be construed to interfere with the constitutional power of each House to punish or expel a member.

Mr. INGALLS. Before being called upon to vote on this proposition I should be glad to have some explanation of the practical effect of it, not being able to derive that from the cursory reading of the Clerk.

Mr. ALLISON. Perhaps it had better be read again for the information of the Senator.

Mr. PADDOCK. If the Senator desires, the amendment can be read again. I will state that this amendment was prepared by the Committee on Post-Offices and Post-Roads, and I was instructed by that committee to report it as an independent measure. I did so, but on consultation with the committee it was agreed that I should offer the bill, as it was drawn and perfected by the committee, as an amendment to this bill. I did not purpose to advocate the passage of the measure. If the measure in its provisions does not commend itself to the Senate, I do not care to waste its time in the discussion of it.

It is a very carefully guarded bill. The first section does away with the present very pernicious system of official franks throughout and by which great abuses come and great expense comes. The other provisions are plain and simple. I believe it is true that all who did ever enjoy the franking privilege under the old laws do now enjoy it under a more expensive system except Senators and Members of Congress, who are required in all correspondence on public business to pay their own postage; and I consider that it is quite as important, quite as essential that the representatives of the people who are in constant and continued correspondence with them, attending to their business, should have free communication with them and with the Executive Departments concerning their business, and that the people should have free communication with them.

Whatever may be done by the State Department in the performance of the duties devolving upon the Secretary of State, whatever information he may obtain for the use of the people in connection with the performance of his duties, whatever may be done by the Treasury Department, and whatever information may be gained in the performance of those duties by the officers thereof respecting commerce, finance, revenue, the tariff, or other subjects and matters in charge of that Department, and so with the Interior, the War, the Navy, and all other Departments of Government ought to be given freely to the people. This can only be done by giving to Senators and Members of Congress the authority to distribute such information when printed to their constituents without expense for postage; the burden otherwise would be too grievous to be borne. There are very many considerations that may be urged in favor of the passage of this measure; but, sir, I do not now propose to spend any further time in discussing it.

Mr. SAULSBURY. I desire to ask the Senator if this franking privilege extends to documents published by Congress?

Mr. PADDOCK. It extends no further than to cover all matters relating to public business. It covers nothing of personal letters or personal packages of any character whatever.

Mr. SAULSBURY. Does it cover all documents published by authority of Congress?

Mr. PADDOCK. Yes, sir. Whatever there is of information which the Government through its Executive Departments proposes to give to the people, that goes free. Whatever business may be required to be done through communications between Senators and Members and their constituents, that which relates exclusively and only to public business is to go free.

Mr. SAULSBURY. As far as I am concerned I would prefer that the franking privilege should not extend to letters of any character. A difficulty will arise very frequently and men will inadvertently, if they have the privilege of franking certain letters, without thought and casually, perhaps without design, violate the law and put their frank on private correspondence. If it applied simply to the documents published by the authority of Congress, without applying to correspondence, I would be for it.

Mr. PADDOCK. The Senator from Delaware has the privilege of offering an amendment. I am not at all tenacious of any provisions of this amendment except those which are most carefully guarded.

Mr. SAULSBURY. I am in favor of sending out, under the frank of members of Congress, every document published by the authority of Congress for the information of the people; and I am in favor of sending out those matters from the Agricultural Department, such as seeds, &c., which are furnished by the Commissioner to members of Congress to be distributed to their constituents. But I see that a difficulty must arise if the franking privilege is extended to official communications apart from private communications of individuals, because by inadvertence there will be numerous violations of law. I would prefer to pay the postage upon my official correspondence with my constituents rather than to run the risk of violating in a single instance the law, and placing my frank upon a private letter which was not official. I would therefore suggest an amendment of that kind.

Mr. PADDOCK. Let the Senator prepare his amendment.

Mr. INGALLS. Mr. President, franking is mis-called a privilege. It never was a privilege. It is a burden that has always been felt as such by every person who was ever called upon to exercise it, or who ever had the opportunity of enjoying it. Its repeal, however, in my judgment, was an act of timidity, if not of cowardice, that never was called for by the country and has never been justified or sanctioned by the American people. Ever since that repeal was made, there has been an effort by indirection and by timidity and by moving a step here and a step there to get back again to the same position that was occupied before the repeal was made. I see in the amendment that is now proposed by the Senator from Nebraska one other effort apparently in the same direction. Everybody knows that the ultimate result of these proceedings is to be that franking will be restored. So far as I am concerned, I am entirely willing to vote to restore it to-day in all its full proportions, unshorn and unlimited, and I should very much prefer to vote for that than to be called upon session after session to vote here a little and there a little, now to frank turnip seed and then to frank pumpkin seed, and next session to frank an Agricultural Report and then a piece of the CONGRESSIONAL RECORD; and now to frank official communications. I think that if we intend to restore the franking burden, not the franking privilege, we had better proceed like men to do it and do it without delay, and do it frankly.

Mr. KERNAN. Mr. President, if there are abuses in the system of franks that exist now they ought to be corrected. I could not hear distinctly the provision in regard to franks used by departmental officers, but by the present law Members and Senators can frank the CONGRESSIONAL RECORD and the Agricultural Report. In my judgment we should not pass this provision and give a frank for all printed matter and all letters written on public business or relating to anything else. I do not desire to argue it; but my judgment is very strong that it is not a thing that we should do. There is some allowance made to us out of the Treasury for stationery, &c., and beyond that, if we cannot do otherwise, we can send the documents as freight, and distribute them in that way. I think it would be a bad precedent to commence to restore franking in this way. I hope the provision will not be adopted.

Mr. MITCHELL. I will state to the Senator from New York that it costs me from \$25 to \$30 a hundred pounds to send documents as freight from here to my residence or to any one of my constituents. For one I cannot stand that.

Mr. KERNAN. I suppose that where there are documents that parties want, it is no trouble if a member finds they desire them to send them subject to the charge to be paid on delivery.

Mr. MITCHELL. Then my constituents would have to pay.

Mr. KERNAN. I think there was so much dissatisfaction existing with the franking before that we should not take small steps toward restoring it, but leave the law stand as it is.

Mr. DAWES. I should like to inquire of the Senator from New York if he has observed that the existing law which authorizes the franking of a part of the CONGRESSIONAL RECORD has had the effect to swell that volume to undue proportions?

Mr. KERNAN. My observation is that under any system it is



swelled to very large proportions. I do not think that has caused it to be increased.

Mr. DAWES. To do that by legislative enactment which tends directly to fill it with matter which would not otherwise go there, merely for the purpose of getting the benefit of franking, seems to me to be not only doing by indirection what we have hardly courage enough, as the Senator from Kansas [Mr. INGALLS] says, to do by direction, but to be paying for printing in the CONGRESSIONAL RECORD every year very much that we would not pay for were it not for the fact that we desire to seek the benefit of the franking privilege.

Mr. MORRILL. May I ask the Senator from Massachusetts if that does not result from another House authorizing speeches to be printed that never were delivered at all?

Mr. DAWES. The other House, I know, authorizes the printing of speeches that are never delivered at all; and this House authorizes anybody, by merely requesting leave, to put in the RECORD anything that it seems to him or to us would be a desirable thing to frank to our constituents. It is an occurrence of every day.

I have voted for the abolition of the franking privilege time and again, a dozen times I think; I have voted for it every time it has been up for the last twenty years; I have voted for it with the firm conviction that it was an unwise thing to repeal it; but the metropolitan press of the country set about the work of aggrandizement and of bringing all methods of the distribution of information in this country under its own control. It established agencies here; it availed itself of the telegraph; it condensed the information to be distributed about the country and had it brought to its own establishments; and in that way it brought the press of the country step by step under its own control. It was necessary to complete that work to prevent the distribution as much as possible freely through the mails of information from this center by other means. Through that press working upon the country press and making them believe that this was the privilege of the representative in Congress, and through that country press making the people come to believe it, there was a public sentiment created that could be met in no other way, in my opinion, but by experience. I was governed in voting for the repeal of the franking privilege by the wish to have it demonstrated to the people that it was their privilege, and that its repeal was their loss. It was the aggrandizement of a few central papers at their expense through the country press. Sir, from the day it was repealed this sentiment has been becoming more and more to be established in the country that it was a mistake of the people; that they were misled in this view of the case. I know the country press had no idea when the bill passed the House of Representatives absolutely abolishing the franking privilege, so that no matter should go free through the mail, that it was going to cut off a privilege that they had enjoyed for twenty years of distributing their papers through their own counties free in the mail. I remember a leading editor in my own district writing me a very strong letter when I was in the other House urging me to go for the abolition of the franking privilege, and I had the satisfaction of writing him that I had just recorded my vote upon a bill that would require him to pay postage on all his papers throughout the country as well as on all the letters that he sent to me. He was utterly astonished. He wrote back that he did not desire any such thing as that; he desired to have his papers go free through the mail; he only wished to have the privilege members of Congress had enjoyed so long abolished, so that they should pay for what they sent through the mail. I only speak of that as an illustration of the common sentiment in the country.

Now, sir, I believe that the people understand this thing, and I believe that they see more and more the necessity, if they desire to obtain correct information from this center of what is going on here, of not depending solely upon the disposition and character of a few gentlemen, sitting up in the gallery over your head, however honorable they may be. They color, they shape, they determine how much of the information transmitted from here shall go throughout the country, and it should not be so. A Member of Congress or a Senator should have the opportunity of availing himself of the mails of the country to let the country know what is being done here, and not depend upon these gentlemen who are themselves depending upon a power behind that pays them and controls them, and, I am sorry to say, in many instances shapes and colors the very dispatches they send. The only cure for it is to create every possible facility for sending at the least possible expense from here and the least possible burden to those who send it all manner of information that people desire.

It so happens that the raid made upon the franking privilege which emanated from the Post-Office Department some five or six years ago and resulted in the passage of the law taking it away has been shown time and again to bring no possible relief to the burdens and expenditures of the Post-Office Department. To-day they are as large and larger than they were before this franking privilege was abolished. They were so the very next year. You could not discover certainly in any diminution of the cost of transporting the mails the fact, and you had to depend solely on the information which was constantly kept before the public that this privilege had been abolished; and every attempt here to facilitate the distribution of valuable information in the form of public documents or any other way is spied out first by this same metropolitan press and the alarm is given that it will lead to a restoration of that condition of things when the public will be relieved of the control by that press of the

information that they receive. That press, seeing that this control is to be infringed upon and done away with, sounds the alarm. They have sounded it this past winter. Nobody else is heard to cry out or complain; you hear it from no other quarters but from these centers, and it is quite evident to me that the people see now what the purpose and object of it was in the beginning and what the effect of it is to be.

I am ready myself to vote for a restoration of the franking privilege. When I voted to repeal it I publicly avowed in the House of Representatives that it was my purpose, if possible, to make it a school-master to demonstrate to the people that in this particular they had been deluded, and that no relief to the public burden would come from it. And that no relief has come from it is quite apparent to everybody else but to this particular interest that is so seriously and constantly, and it seems to me for a very good reason, opposed to its restoration.

Mr. MAXEY. When the franking privilege was repealed I was not a member of the Senate but was a private citizen of the State of Texas, and I regarded it as extremely unwise. Experience since has confirmed me in that opinion. As far as I know or have reason to believe, in the State which I have the honor in part to represent, no one lives there but who is in favor of the restoration of the franking privilege. I am in favor of it because it is a measure directly in the interest of the people. It is a matter which concerns the people more than it does the member of Congress. The people are to-day earnestly and anxiously looking to the Congress of the United States, and they want to know the truth in regard to what is going on here. The exact truth they will get through the official documents, and when they get those official documents they will determine whether or not those they have sent here are faithfully discharging their duty or otherwise. I believe that every member of Congress should be held responsible, whether he be a Senator or a Member of the House of Representatives, directly to the people he represents for his official action, and in order to get that certainly and beyond question they must resort to the RECORD.

I believe that, so far as all the various Departments of the Government are concerned which are required to make their reports to Congress, what is done by those Departments should be also known to the people, and I do know from actual personal knowledge that there is a demand and I might say a crying demand on the part of the people throughout the country to hear the truth in regard to what is going on in the administration of the Government in all its various Departments. So believing, and believing that it is in the interest of the people that this privilege be restored, that it is a privilege directly in the interest of the people, I have favored it.

But the Senator from New York says that these documents can be sent by express. Why, Mr. President, many of us represent portions of the country where there are no express-offices, where it is impossible to reach the people by express. The only means we have of sending these documents to the extreme outposts of the American Union is through the mails; and those of us who have endeavored to do our duty, to distribute all the documents which have been assigned to us, know perfectly well the great expense it involves. It is a serious expense to a member of Congress to do what? To do what the people want him to do; and my experience of the people is that no honest man wants another to pay for his convenience. The people of the country do not want a member of Congress to pay out of his own pocket that which is for their benefit. The allowance which is made to a member of Congress is made for his services, and there is no more reason why the postage which is required to pay for the distribution of documents should be paid out of his pocket than there is that the blacksmith's bill or any other bill of the people should be paid out of his pocket. That is the view I have of that matter.

Another thing. Unless the franking privilege is restored as it was, your plan of printing public documents ought to be abolished. There is no good sound sense or reason in filling the document room with documents, published at the expense of the people, and letting them lie there to rot. If you print these documents, circulate them; circulate them under the franking privilege, because the people want them for their benefit; and as the people do want them, they are willing to pay for them.

In an official communication sent to the Post-Office Committee of the Senate, of which the Presiding Officer is a member as well as myself, the Postmaster-General stated that there would be no additional expense to the country by reason of the restoration of this privilege. Then why, I ask, should it not be restored? It seems to me that wisdom and sound policy require it. It may not be of so much importance to those who live in the densely-settled parts of the country where they have the benefit of railroads and expresses; but to those who are settling up new States it is a matter of the greatest importance. I hold that the object of the post-office establishment was the dissemination of intelligence for the benefit of the people, and that it is but right to give the people the means of knowing exactly what is going on not only in the legislative department of the Government, but in all the various branches of the executive department which are required to make their reports here.

For these reasons, which are satisfactory to me, I have favored the restoration of the franking privilege as embodied in the amendment of the Senator from Nebraska.



About the point made by the Senator from Delaware in regard to letters I care nothing. If it may be that fraud might be practiced by reason of letters being sent under the franking privilege which did not concern the public business; if there can be no means of preventing fraud of that kind, then I say I care nothing about letters one way or the other; but as to the distribution of documents, I do believe it ought to be done under the franking privilege.

Mr. KERNAN. Mr. President, my experience is different from that of the Senator from Massachusetts or the Senator from Texas. There was satisfaction expressed generally, especially where I live, when the franking privilege was repealed. The old plan was thought to be a great expense upon the mass of the great body of the people for the few comparatively who receive documents. But my own experience ought not to have much weight. Have there been any petitions presented to either House of Congress that any man knows of, praying for the restoration of this privilege in any degree? I have not heard of them if there have been any. I have heard no complaint at home, but on the contrary satisfaction. Therefore, I had supposed that the community were quite well satisfied when there can be sent to them the largest book printed here for ten cents when franked, when there can be sent to them daily free under a frank the RECORD of the proceedings of Congress, when the printed matter which goes from Departments can be sent to them at two cents a pound by mail. Now, if everybody in the community could have one of these documents I should say let the people pay the expense of carrying them free; but that is not so. No gentleman believes we can print here matter enough to send to any considerable number of our constituents. It is only a few who will receive them, and I think those few can well afford to have them go with the postage as now regulated by law.

I do not want to argue the question, but I do not think gentlemen are correct. There have been no petitions indicating that anybody asks for a restoration of the franking privilege in any degree, so far as I know.

Mr. PADDOCK. Mr. President, I should like to inquire of the Senator from New York if on the other hand during all the winter, all the summer, when the press have been speaking of this partial restoration, the bill itself having been published generally throughout the country months ago, he has heard any criticism upon it. I have failed to see any.

Mr. KERNAN. I do not remember that I have; but I do not think that is a very great guide. Our people, if they wanted this matter sent them free, would ask for it. After the strong expression of public sentiment against this privilege before it was repealed, I think we might wait until we got a petition from some quarter asking us to restore it.

Mr. PADDOCK. I will say to the Senator from New York that, so far as my own people are concerned, I have had innumerable letters advising and recommending it, and indorsing the position I had taken in respect to the matter, and no newspaper in my State up to this time of either party has criticised it.

Mr. KERNAN. I have heard none of my constituents suggest it, though I have been sending to them through the mail and otherwise such documents as I could get. The Senator from Massachusetts says that they do not get accurate information. No franking privilege will give the people that information which they desire to get and do get every day in almost every village in this country through the telegraph—a synopsis of the proceedings here. This information comes far behind that, and that they want any way.

I do not desire to seek to argue this question with any earnestness. My own settled judgment is that it is wiser and better to leave this matter to be subject to the light postage it now is, the Agricultural Report to be sent free and the daily RECORD to be sent free.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Nebraska.

Mr. COCKRELL. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. FRELINGHUYSEN. I do not understand the object of the last provision of the amendment that it shall not repeal the Constitution of the United States.

Mr. HOWE. The right to expel a member is one of the "inalienable rights" I suppose.

Mr. FRELINGHUYSEN. I do not suppose it is necessary to provide that one of our acts shall not repeal that power.

Mr. PADDOCK. That was my opinion when the matter was considered in the committee, but it was suggested by some member of the committee that it would be well to put that on by way of precaution, and so it was done.

Mr. HOWE. I suppose this particular clause to which the Senator from New Jersey calls attention—my attention had not been attracted to it before—is to confer on the majority of the Senate the right to expel. Otherwise some might hold that only two-thirds could do it.

Mr. DAWES. That provision arose about the time that a distinguished member of the judiciary decided that an act of Congress had been passed which had taken from each House the right to punish for contempt. That was the way it came in this bill. It is due to the truth of history that it should be known that that was the reason, because of a distinguished legal opinion that was spread on the records of Congress.

Mr. HOWE. I think the Senator from Massachusetts is entitled to

the gratitude of the Republic for putting that piece of history on the record. I rose, Mr. President, to suggest and to move an amendment to the pending amendment. In line 4 of the third section I propose to insert the conjunction "and" between "letters and documents," and to strike out the words following "documents" to and including "business."

The transmission of letters and documents to and from the representatives of the people seems to me to be the only privilege worth securing to the people. The transmission of packages seems to me to be too general a term to include in the bill, and then I think it of the utmost importance that you exclude from the bill this provision which always upon every letter and every document raises the question whether it does or does not relate exclusively to public business.

Mr. PADDOCK. I desire to say to the Senator from Wisconsin that if I was alone responsible for this measure I should accept his amendment readily, because I believe it to be a very correct one; but as I am not alone responsible for it, but only one of a committee which adopted the measure in its present form, I cannot accept his amendment.

Mr. HOWE. I will nevertheless submit the motion and take the judgment of the Senate upon it.

Mr. FRELINGHUYSEN. I suggest to the Senator that the word "packages" is unnecessary for the purpose of covering, as some one has suggested, seeds to be sent over the country, because there is a special act in reference to them.

Mr. HOWE. They are already provided for by existing law. With this amendment I will vote for the proposition.

Mr. FRELINGHUYSEN. And strike out the last proviso.

Mr. HOWE. I should vote to strike that out, but I do not think it will injure the Constitution much if we leave it in; and with the amendment I have suggested I think I should be willing to vote for the measure. I am a good deal like my friend from Massachusetts; that is to say, my record on this subject is a good deal like his. He says he voted for the abolition of the franking privilege for a good many years and very steadfastly. I did likewise. I was a little more sincere in my devotion to that cause than he says he was. I really wanted to get rid of the burden of franking my letters and the documents and the newspapers and the speeches and the hundreds of tons of information which I sent from year to year over the country. I preferred very much to pay the postage on my letters and on everything that I wanted to send to the people of the United States and everything that the people wanted me to send to them. I thought it was not "millions" in my pocket, as our friend Colonel Sellers would express it, but I thought it was money in my pocket to abolish this business of franking, and I voted for its abolition. I thought that when my constituents wrote to me on their business they would send me the means of paying the postage on letters in return, and I thought some means would be invented for sending those documents which are published, which we all send to the people through the mails, without burden to the constituents and without burden to the members of Congress. But we have contrived to put the law into such a confused state that I think the public do not really know whether we have the franking privilege or not. We frank every day more or less, and I do not think the people understand where the right to frank exists and where it ceases, so that almost no one who writes to a member of Congress on business of his own, no matter how expensive the return may be to the member here, thinks of inclosing the postage. It is very rarely the case in my experience.

Then there is another difficulty. You have put down the postage on your public documents to that very low figure which will not excuse you from sending them through the mail, and will not excuse you from taking the postage even if it is sent to you. Therefore you send your documents off. You have got to frank them, and you have got to pay ten cents a volume on them; and that is an additional charge. All the labor of the old system is left on the Senator or Representative, and a great deal of additional cost is imposed upon him.

Mr. President, if the people can afford to trust me with the frank on documents and on letters, I am willing to assume that responsibility. I do not want any inquiry framed, any issue made; I do not want to be summoned before a jury of my country or a committee of investigation to settle the question whether the letter I frank or the document that I send off absolutely and on the whole relates to public business. I want to be trusted so far as that is concerned. It would require a jury of experts undoubtedly in a great many instances to determine a question of that sort, and it would be extremely difficult to try it. Therefore, I think we had better not open that question. I believe the people of Wisconsin will trust me to that extent, and if they will not I know they can find a man in the State whom they will trust; so I would exclude it from this bill. I will vote for the measure and take the responsibility. I would a great deal rather pay the money when we send off the document. Then I know exactly how much it costs me and the whole controversy is settled. There is no penalty about it; there is no investigation about it. That is a clean transaction; I am out of pocket so much, and have done so much labor, and there is the end of it. When I cannot afford to pay the money and to do the work any longer, I know a very easy way of avoiding both.

Mr. CHRISTIANCY. I am placed in an awkward predicament



here by the action of two honorable Senators. In the first place, I had determined to say a few words upon this measure and the Senator from Massachusetts [Mr. DAWES] made precisely the speech which I had intended to make. In the next place, I had marked this proposition for an amendment, and the Senator from Wisconsin [Mr. HOWE] offered precisely the same amendment before I had an opportunity to offer it. I therefore conclude that both the Senators must be right, as they both agree with me. They are right at least to that extent; but perhaps I differ somewhat with the Senator from Wisconsin. I shall vote for the bill if the amendment proposed by the Senator from Wisconsin is adopted. I have always believed that the abolition of the franking privilege was a piece of demagogism. I believe it still. No matter from where it originated, it was a privilege that belonged to the people and not to Senators and Representatives. It operated for their benefit and not for ours. I will suggest, however, a little alteration in the phraseology of the amendment offered by the Senator from Wisconsin. Instead of saying "to and from the representatives of the people," I would say "to and from such representatives." I hope the Senator will accept that amendment, and I shall vote for it and for the amendment proposed by the Senator from Nebraska.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Wisconsin [Mr. HOWE] to the amendment of the Senator from Nebraska, [Mr. PADDOCK,] which will be reported.

The CHIEF CLERK. It is proposed in line 4 of the third section of the amendment, after the word "letters," to insert the word "and;" and to strike out in lines 4 and 5 the words "packages and other matter relating exclusively to public business."

Mr. HOWE. The Senator from Louisiana [Mr. WEST] suggests to me, and he is perfectly right, that if the amendment to the amendment should be agreed to by the Senate, there are some words in the seventh line which will have to be stricken out in order to make it conform.

Mr. ALLISON. I ask the Clerk to read the amendment as it would read if amended.

The Chief Clerk read the third section, as follows:

That Senators, Representatives, and Delegates from Territories, the Secretary of the Senate, and Clerk of the House of Representatives may send and receive through the mail free of postage letters and documents: *Provided*, That such Senator, Representative, or officer shall write upon each letter and document so sent by him his name, with the proper designation of the office he holds.

Mr. CHRISTIANCY. Allow me to suggest that the amendment would read better to insert "to and from such Senators, Representatives, and Delegates" after "documents."

Mr. HOWE. I think those words are not required there, if the Senator will read the section down.

Mr. CHRISTIANCY. The amendment to the amendment then is well enough as it is.

Mr. SAULSBURY. I desire to ask the Senator from Wisconsin whether he thinks the word "documents" would cover all matter published by authority of Congress; for instance, the books published by authority of Congress, and the bills published?

Mr. HOWE. That is my understanding of the term.

Mr. OGLESBY. As this has been fixed up now and is a good thing, I suppose, as it is now to be voted on, I should like to hear it read, so that if it is going to pass I may have a little share in it.

Mr. HAMLIN. Let us take the question on the amendment to the amendment first.

Mr. OGLESBY. I want to see how it is proposed to be amended. I stepped out of the Chamber a few moments and do not know exactly what condition it is in.

Mr. HOWE. Let the Clerk read the last section.

Mr. OGLESBY. The last section, I suppose, is what ought to be read.

The CHIEF CLERK. The third section, as proposed to be amended, reads:

That Senators, Representatives, and Delegates from Territories, the Secretary of the Senate, and Clerk of the House of Representatives may send and receive through the mail, free of postage, letters and documents: *Provided*, That such Senator, Representative, or officer shall write upon each letter and document so sent by him his name, with the proper designation of the office he holds.

Mr. OGLESBY. That is very plain and easily understood.

Mr. ANTHONY. The word "document" is a very indefinite term, it seems to me.

Mr. HAMLIN. Mr. President, I wish to say a few words, and but a very few words on this question. I voted to abolish the franking privilege. Its abolition was accomplished under a public clamor which, in my judgment, was as distant as it could be in the world from what was the public judgment. I was influenced, however, myself, I believe, in no degree by that clamor. Two reasons controlled my vote; one was a belief that I would avoid the necessity of answering every letter which I received inquiring of me particularly what was the health of Mrs. Grundy at that immediate time or some other matter of about as much importance. Having established the custom of answering every letter and maintaining it to that time, however important or unimportant, I found an enormous correspondence upon my hands. I think my length of time here led to a vastly larger correspondence from my own State than there would otherwise have been. That was one reason which led me to believe that if I voted to abolish the system if any person wanted to know whether

Mrs. Grundy was well or ill, he would have the courtesy to inclose a return postage-stamp. But this is not done. I was therefore disappointed in that to some degree, though not entirely. I am satisfied that it has diminished many of my letters, for many of that description which had been written when there was no imposition of postage upon a Senator were not written after the abolition. I was therefore not entirely disappointed in that view of the case.

Mr. PADDOCK. I should like to inquire of the chairman of the committee if he ever received any letters inquiring about Mrs. Grundy which were paid for with official stamps?

Mr. HAMLIN. I will state that before I get through. The second reason which I had for voting for the repeal was that I did believe that it would cause a very large saving in the expenditures for public printing. I thought so then; I think so now. In that, however, I have been disappointed very much. It did not produce that diminution in the expenses of public printing which I expected and had a right to expect. Still, I think the restoration of it will bring us back to a very largely increased amount of public printing, and for that reason, and that alone, I shall vote against the bill.

I had besides another reason, for I am making a frank confession now. It was to be rid of the great labor of franking the very large number of documents, hardly worth the trouble and expense of sending, to be distributed over my State.

Those were the considerations which induced me to vote for that bill. There is but little left except the public printing, and I think now we shall find that again swelling upon us in enormous proportions if we restore the franking privilege.

Mr. DAWES. Can the Senator call to mind a single item of public printing that we have omitted to order because we could not send out documents free?

Mr. HAMLIN. I think we have omitted not many, but have diminished very largely the number. You will increase, in my judgment, both the number and the different descriptions of documents printed by making them all go free.

In relation to the first and second sections of this amendment, I want to say that they are, in my judgment, eminently just and will bring a large saving to the country. There were undoubtedly abuses under the old franking privilege, but in my judgment the abuses were entirely insignificant when compared and contrasted with the abuses that exist under it to-day. Do Senators know that all Government officials are furnished with stamps for official correspondence? They are; and I know, if other Senators do not, that not a week has transpired during this session of Congress in which I have not received communications with official stamps, relating only to private business. That would be my construction. I ought, however, in justice to the persons using them, to say that they might have drawn a different construction. A postmaster writes me in relation to some personal matter of his. I cannot conceive that it is thereby official, but it is done, and done very frequently. Your franking privilege formerly was confined only and exclusively to members of Congress and the persons enumerated, the President, the Vice-President, an Ex-President, and a few others, and the abuse was very slight indeed, while to-day, with 60,000 people in this country using a frank, if they use it honestly and only abuse it in the manner I have suggested, by using it when they think it applies to official matter but does not, you have an amount of deficiency in the revenue in consequence of that method beyond what ever could or ever did arise from the franking privilege as it existed and was exercised by members of Congress. That is my judgment.

These two sections provide what? That the Government, instead of purchasing stamps, would make the saving, first, in the amount that it would cost the Government to purchase its stamps. I do not mean the value, for when you come to that it is taking the money simply out of one pocket and putting it into the other, no more and no less; but if you abolish the stamp you do save to the Government beyond a doubt all that it costs mechanically to manufacture the stamp. There is that actual saving in the first and second sections of the amendment. If this should become a law, it would allow the various Departments to send their official communications through the mails, and then at the end of the year I hold that it would be the duty of Congress to make an annual appropriation to pay what is a fair compensation for the use which the Government has of the mails. This amendment provides that it shall be done under an envelope with a printed formula thereon, making it penal to counterfeit that, precisely as it was penal to counterfeit or to use a stamp. There is, therefore, just the same safety, and, as my friend from Wisconsin [Mr. HOWE] suggests, these official envelopes will not get out of the possession, as little stamps could, would, and did. It is therefore economy to the Government to adopt the first and second sections of the amendment, and I rose only to state the reasons which would induce me to vote against the third section.

Mr. FRELINGHUYSEN. Do I understand that all of the third section after the word "holds" in the eighth line is stricken out?

The PRESIDENT *pro tempore*. It is not.

Mr. FRELINGHUYSEN. I suggest, and I trust the Senator from Wisconsin will add that to his amendment, to strike out all after the word "holds" in the eighth line.

Mr. HOWE. I would not strike it out.

The PRESIDENT *pro tempore*. Does the Senator from Wisconsin modify his amendment?



Mr. HOWE. No, I do not.

The PRESIDENT *pro tempore*. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Nebraska, [Mr. PADDOCK,] as amended.

Mr. EDMUNDS. Before the question is put, would the Chair be kind enough to have exactly the thing read which we are called to vote upon?

The PRESIDENT *pro tempore*. The Secretary will report the whole amendment as amended.

The Chief Clerk read as follows:

That it shall be lawful to transmit through the mail, free of postage, any letters, packages, or other matters relating exclusively to the business of the Government of the United States: *Provided*, That every such letter or package to entitle it to pass free shall bear over the words "official business" an indorsement showing also the name of the Department, and, if from a bureau or office, the names of the Department and bureau or office, as the case may be, whence transmitted. And if any person shall make use of any such official envelope to avoid the payment of postage on his or her private letter, package, or other matter in the mail, the person so offending shall be deemed guilty of a misdemeanor and subject to a fine of \$300, to be prosecuted in any court of competent jurisdiction.

SEC. 2. That, for the purpose of carrying this act into effect, it shall be the duty of each of the Executive Departments of the United States to provide for itself and its subordinate offices the necessary envelopes, and, in addition to the endorsement designating the Department in which they are to be used, the penalty for the unlawful use of these envelopes shall be stated thereon.

SEC. 3. That Senators, Representatives, and Delegates in Congress, the Secretary of the Senate, and Clerk of the House of Representatives may send and receive through the mail, free of postage, letters and documents: *Provided*, That such Senator, Representative, or officer shall write upon each letter and document so sent by him his name, with the proper designation of the office he holds; and the same penalty is prescribed for the violation of the provisions of this section as that provided in section 1 of this act for officers of the United States: *Provided*, That the penalty herein shall not be construed to interfere with the constitutional power of each House to punish or expel a member.

Mr. EDMUNDS. I move to strike out the last proviso about interfering with the rights to expel a member. It is quite unnecessary.

Mr. PADDOCK. I accept that amendment.

The PRESIDENT *pro tempore*. Is there objection to this amendment to the amendment?

Mr. EDMUNDS. The Senator accepts it, he having it in his control.

The PRESIDENT *pro tempore*. It is not under the Senator's control, having been amended, but the Chair hears no objection and the amendment to the amendment will be regarded as agreed to.

Mr. MITCHELL. The last section provides that—

The same penalty is prescribed for the violation of the provisions of this section as that provided in section 1 of this act for officers of the United States.

Section 1 provides that—

If any person shall make use of any such official envelope to avoid the payment of postage on his or her private letter, package, or other matter in the mail, the person so offending shall be deemed guilty of a misdemeanor, &c.

I should like to know what would be a violation of the provisions of this first section.

Mr. FRELINGHUYSEN. I do not know any; and so it does not do any hurt.

Mr. MITCHELL. I should like to move to strike those words out. It certainly does not make sense the way it is now.

The PRESIDENT *pro tempore*. The question is on the amendment as amended, and the roll-call will proceed.

The Secretary proceeded to call the roll.

Mr. ALLISON. I desire to state that the Senator from Massachusetts [Mr. BOUTWELL] and the Senator from California [Mr. SARGENT] are engaged in a conference and have paired upon this bill. The Senator from Massachusetts would vote in the negative, and the Senator from California in the affirmative.

The roll-call was concluded and the result was announced—yeas 30, nays 15; as follows:

YEAS—Messrs. Allison, Burnside, Christianey, Cooper, Cragin, Davis, Dawes, Dennis, Edmunds, Frelinghuysen, Gordon, Harvey, Howe, Ingalls, Kelly, Key, Maxey, Merrimon, Mitchell, Norwood, Paddock, Patterson, Randolph, Ransom, Saulsbury, Spencer, Stevenson, Wallace, West, and Withers—30.

NAYS—Messrs. Anthony, Boggs, Booth, Cameron of Wisconsin, Clayton, Cockrell, Ferry, Hamlin, Kernan, Logan, McCreery, McDonald, McMillan, Morrill, and Oglesby—15.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Bontwell, Bruce, Cameron of Pennsylvania, Conkling, Conover, Dorsey, Eaton, Goldthwaite, Hamilton, Hitchcock, Johnston, Jones of Florida, Jones of Nevada, Morton, Robertson, Sargent, Sharon, Sherman, Thurman, Wadleigh, Whyte, Windom, and Wright—26.

So the amendment, as amended, was agreed to.

The bill was reported to the Senate as amended.

Mr. NORWOOD. Is it too late to offer an amendment?

The PRESIDENT *pro tempore*. An amendment is in order.

Mr. NORWOOD. I move to amend by inserting the word "Delegate" after the word "Representative," in the sixth line of section 3 of the amendment just agreed to; so as to make that part of the clause conform to the preceding part.

Mr. HARVEY. Is the motion now to concur in the amendments in gross?

The PRESIDENT *pro tempore*. It is; but the vote can be taken separately upon any amendment, if the Senator desires.

Mr. HARVEY. I ask to reserve the amendment making appropriations to certain railroads for carrying what is known as the fast mail.

The PRESIDENT *pro tempore*. That amendment will be excepted. The Senator from Georgia proposes an amendment.

Mr. NORWOOD. Section 3 of the amendment provides for Senators, Representatives, and Delegates, and in the proviso, in the sixth line, the word "Delegate" is omitted. I wish simply to supply that omission, so as to read:

*Provided*, That such Senator, Representative, Delegate, or officer shall write upon each letter and document so sent by him, his name, &c.

The amendment was agreed to.

Mr. ANTHONY. In the amendment of the Senator from Nebraska which was adopted, "the same penalty is prescribed for the violation of the provisions of this section as that provided in section 1 of this act for officers of the United States." The first section of the bill relates to post-routes, and I do not know that any penalty is there. I ask the Senator who introduced the amendment to make the correction.

Mr. ALLISON. The amendment should be section —.

Mr. PADDOCK. I move that the text be corrected. It means the first section of the amendment.

The PRESIDENT *pro tempore*. The Chair hears no objection, and that correction will be made.

Mr. HITCHCOCK. I desire to renew the amendment which I offered in committee.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole first.

Mr. EDMUNDS. I wish to suggest to the Senator from Nebraska that there are one or two words in the amendment that seem to fall foul of the Revised Statutes about saying "his or her." The Revised Statutes provide in all cases of law that it is unnecessary to name the sex; the word "his" covers everybody. Therefore, as a mere matter of legal phraseology, I suggest that he strike out the words "or her" where some penalty is provided.

The PRESIDENT *pro tempore*. That will be done by unanimous consent. The Senator from Kansas [Mr. HARVEY] reserves the amendment in regard to fast trains. The question is on concurring in the other amendments in gross.

Mr. HARVEY. If in order, I call for the reading of the amendment making an appropriation for the fast-mail trains.

Mr. PADDOCK. Let us dispose of the other amendments first.

The PRESIDENT *pro tempore*. This being the first amendment, it will be considered first. The Secretary will report it.

The CHIEF CLERK. The Senate, as in Committee of the Whole, inserted as sections 2, 3, and 4 of the bill the following:

SEC. 2. That the sum of \$150,000 be, and is hereby, appropriated out of any moneys in the Treasury arising from the revenues of the Post-Office Department for the fiscal year ending June 30, 1877, in addition to the sum appropriated for inland-mail transportation by railroad by an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1872, and for other purposes," approved July 12, 1876: *Provided*, That the Postmaster-General is hereby authorized to only apply this sum in restoring, so far as it may be possible to do so, the transportation of the mails by fast-mail trains over the New York Central, and Hudson River, and Lake Shore and Michigan Southern Railroads, between New York and Chicago, and to Saint Louis, and over the Pennsylvania Railroad and its connections between New York and Saint Louis, New York and Chicago, and New York and Cincinnati.

SEC. 3. That to enable the Postmaster-General to arrange for fast-mail trains over the Philadelphia, Wilmington, and Baltimore Railroad, and over the Baltimore and Ohio Railroad and its connections to Washington, Saint Louis, and Chicago, \$75,000, to be paid out of the revenues of the Post-Office Department for the fiscal year ending June 30, 1877; and that the Postmaster-General be, and he is hereby, authorized to contract for the transmission of fast mails daily from Washington to New Orleans via Richmond, Virginia; and that the sum of \$100,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of the revenues of the Post-Office Department for the performance of this service.

SEC. 4. That the Postmaster-General is hereby authorized to contract for the daily transmission of mails between Chicago and the eastern terminus of the Union Pacific Railroad at a cost for extra service not exceeding \$25,000.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment.

Mr. HARVEY. I asked to except this amendment from concurrence, thinking that many Senators probably may not have observed the way in which the matter has grown. It began here with the proposition to give two lines \$150,000 for the purpose of carrying on an arrangement for fast mails that had been entered into by the Post-Office Department without any legislative direction. The Senate voted at an early day of this session to reduce by 10 per cent. the allowance for carrying mails upon railroads. The House concurred in the reduction, so that we have the judgment of both Houses upon that matter that the pay should be reduced as much as 10 per cent.; but the managers of certain leading railroads in the country are dissatisfied. They make an issue with the law-making power by stopping what is known as the fast-mail trains. The metropolitan press, being greatly favored, more than any other interest, by the running of these fast lines, and favored to the detriment of the country press, at once raise a cry about the great wrong which the country suffers by the stoppage of the fast mails; and these two lines in some way secure recognition by the first amendment that is offered, and others succeed them one after another. Thus it will be seen that this thing not only opens the way for a new style of subsidizing railroads, but (although I do not believe it is intended to be so) it is in effect an invitation to railroad lobbyists to appear here and work for subsidies for each and every line of railroad that they think stands any show for getting such allowance. I see this amount has been increased



already to \$350,000. The New York Central and the Pennsylvania Central railroads become the pioneers in this enterprise. It should be remembered that they, and those who have followed them so far, are but pioneers; for the railroad interest of this country is gigantic, and it is being consolidated in the hands of a few managers. It aspires already to do a great deal in the way of the government of the nation and of States. The Senator from Pennsylvania, [Mr. WALLACE,] in his political speech the other day, cited us to the fact, if it be a fact, that the Pennsylvania railroad, which I have no doubt was the one meant by him—

Mr. WALLACE. I will state to the Senator that the Philadelphia and Reading Railroad is a corporation of the State of Pennsylvania.

Mr. HARVEY. Very well. At any rate it was a railroad organization, which assumed as he says effectually to bring offenders to justice in that State; in other words, that it assumed the administration of justice in that State. The Senator said something about a weak executive. I do not believe the executive of Pennsylvania is a weak man. I believe he is a thoroughly able and efficient executive; but I do say that in any state or nation where either the executive or legislature is weak, gigantic corporations will be seeking for power. They will improve every opportunity, and the passage of this bill will give a precedent and an opportunity such as never should be given in a free country. It is a concession to the power of these corporations that never ought to be made.

I have urged other reasons, but these I think are sufficient to justify me in voting against concurring in the amendment.

Mr. RANDOLPH. Upon the vote that was taken just now as to the restoration of the franking privilege I was under a misapprehension. I desire to state now that my vote should have been cast against the restoration of that privilege. It is too late to correct it in any other way than by this statement.

Mr. SAULSBURY. I desire to call the attention of the Senator having charge of this bill to one feature of the bill, and that is, it authorizes the Postmaster-General to contract for carrying these fast mails, but there is no limitation as to the period for which he may contract. I suggest to the Senator whether that is not leaving in the hands of the Postmaster-General more authority than he designs to leave, and whether there ought not to be some restriction as to the length of time for which he should contract. I do not suppose that the Postmaster-General will enter into any improvident contract with these companies in reference to time; but under the authority given I suppose he might contract for a long period of time. I therefore suggest to the Senator whether it would not be better to limit the period.

Mr. HAMLIN. I think there is a good deal in the suggestion, and I will move to amend by adding so as to read "to contract for a time not exceeding four years." That is the usual length of a mail contract, but if the Senator prefers I will say two years.

Mr. SAULSBURY. I prefer that the Senator should limit it to a less period than four years, for I think as it is an experiment two years will do.

Mr. HAMLIN. It is an experiment and I will say two years. That is about half the period of the usual lettings. I move to add as an additional section to the amendment the following:

SEC. —. That no contract entered into by the Postmaster-General for fast-mail service as herein provided for shall be made for a longer period than two years.

The amendment to the amendment was agreed to.

Mr. SAULSBURY. Before the vote is taken upon the passage of the bill I desire to say that I voted for the amendment for the restoration of the franking privilege because I am honestly in favor of that provision, and I did not wish to shirk any responsibility of a vote of that kind; but I am equally opposed to the provision in this bill proposing in some sense to subsidize certain railroads of this country by giving them compensation for carrying the fast-mail service. I therefore cannot vote for the bill as a whole. I must vote against the bill; but I wish it distinctly understood that in doing so I am not opposed to that feature of the bill which restores the franking privilege. For that amendment I voted, and I would have voted for it as a separate proposition; but I cannot vote for the bill which contains it, simply because the bill contains other provisions for which I cannot vote.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment reserved by the Senator from Kansas [Mr. HARVEY] in regard to the fast-mail service.

Mr. HARVEY. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HITCHCOCK. I should like to inquire as a matter of order if the amendment which was previously offered by me in committee can be re-offered?

The PRESIDENT *pro tempore*. It can be offered after the amendments made in committee have been acted upon. The question is on concurring in this amendment as modified by the Senator from Maine, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 31, nays 13; as follows:

YEAS—Messrs. Allison, Anthony, Bogy, Boutwell, Burnside, Cameron of Wisconsin, Christianity, Clayton, Conkling, Davis, Dawes, Dennis, Ferry, Frelinghuysen, Hamlin, Howe, Ingalls, Kernan, Logan, McMillan, Mitchell, Morrill, Norwood, Oglesby, Paddock, Patterson, Randolph, Sargent, Wallace, Windom, and Withers—31.

NAYS—Messrs. Booth, Cockrell, Eaton, Edmunds, Harvey, Key, McCreery, Maxey, Merrimon, Ransom, Saulsbury, Spencer, and Stevenson—13.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Bruce, Cameron of Pennsylvania, Conover, Cooper, Cragin, Dorsey, Goldthwaite, Gordon, Hamilton, Hitchcock, Johnston, Jones of Florida, Jones of Nevada, Kelly, McDonald, Morton, Robertson, Sharon, Sherman, Thurman, Wadleigh, West, Whyte, and Wright—27.

So the amendment was concurred in.

Mr. HITCHCOCK. I now renew the amendment offered by me in committee. I move to add as an additional section to the bill the following:

SEC. —. That the Postmaster-General is hereby authorized to contract for the extension of such service to Omaha, Nebraska, and the sum of \$40,000, or so much thereof as may be necessary, is hereby appropriated for such purpose.

I offer this amendment because since the action of the Senate on the amendment in committee other lines of less importance, of less business, have been added to the list of fast-mail lines. I desire to state that the amount of mail which leaves Omaha going west each day amounts to 15,000 pounds. I have not at hand the statistics which show the amount that leaves Chicago, but of course between Chicago and Omaha the amount added to the amount which daily leaves Omaha westward would make the aggregate between Omaha and Chicago amount to nearly 25,000 pounds daily. If the country can afford to indulge in the expense—I will not say expensive luxury because I think it is a wise policy, and I think these fast-mail lines should be established—but if the country can afford three fast-mail lines between the East and Chicago and Saint Louis, it can afford one, I think, for the great transcontinental mail between Chicago and Omaha.

Mr. SARGENT. The effect of not carrying the mail between Chicago and Omaha is that on Thursdays in San Francisco and all California our people receive no mail at all. If a link is kept up on Sunday or Monday there is a regular mail throughout the week.

Mr. HAMLIN. We have provided for that.

Mr. SARGENT. I thought that was what the Senator from Nebraska was speaking to.

Mr. HAMLIN. That has been agreed to.

Mr. SARGENT. I am glad of it; it is very important. I was absent for some hours on a committee of conference, and was not aware of the action taken by the Senate.

Mr. HITCHCOCK. That was agreed to. Since I was last up I have had a dispatch from the Department, which shows that I understated rather than overstated the amount. The aggregate amount between Chicago and Omaha daily is 27,779 pounds. If the country can afford to establish fast mails on these lesser lines it certainly can afford to extend the fast mail between Chicago and Omaha and reduce the time by twelve hours at least, as this appropriation would, for that amount of mail.

Mr. OGLESBY. Will the Senator from Nebraska allow me to ask him one question as to the cost? What will be the additional cost of extending this fast-mail line from Chicago to Omaha?

Mr. PADDOCK. Forty thousand dollars.

Mr. OGLESBY. Is that sufficient? Can it be done for \$40,000?

Mr. HITCHCOCK. I will state for the information of the honorable Senator that I have no means at hand of stating accurately what amount will be necessary. My amendment provides the sum of \$40,000. I base that more upon the relative distance between Chicago and Omaha compared with the distance between New York and Chicago, the distance between Chicago and Omaha being five hundred miles and that between New York and Chicago being one thousand miles.

Mr. OGLESBY. I ask now in regard to this amendment, the amount appropriated being \$40,000, do you suppose that under that you will get the benefit of the service?

Mr. HITCHCOCK. I supposed so certainly, or I should not have offered the amendment. I believe so.

Mr. OGLESBY. And that no greater amount will be incurred at the end of the fiscal year than the \$40,000 for this service?

Mr. HITCHCOCK. That is my opinion.

Mr. OGLESBY. I am inclined to vote for the Senator's amendment if it is to cost no more than that.

Mr. EDMUNDS. It cannot cost any more than is appropriated.

Mr. OGLESBY. I mean to say, if it shall actually cost more than that, then you will not get the service.

Mr. HITCHCOCK. That is very true.

Mr. OGLESBY. I do not see that the amendment will do any good, if you are not certain about the amount appropriated being sufficient. If you are certain, I shall vote for it with a great deal of satisfaction.

Mr. HITCHCOCK. I am not by any means certain; but no money will be lost if the railroads refuse to accept the amount which is appropriated.

Mr. HAMLIN. The fast-mail service was established as an experiment. So far as we have had the benefit of it, I think we are able to state that it has been a most successful experiment; nor have I a doubt that within a reasonable period of time there will be through the main sections of the country fast routes established. The great arteries over which communication will pass will be those fast routes, and they will supply the little veins all along the lateral roads. We have now added something more to that in this bill. I hope the Senate will not agree to this amendment. There must be a limit to it somewhere. There are 27,000 pounds of mail matter daily, the Senator tells us, from Chicago to Omaha. They receive the benefit of



the fast mail to Chicago at Omaha just as much as they do at Chicago; that is, they get it just twenty-four hours quicker. We have done what I think is exactly right. We have added an amendment to this bill which gives them their seven days' service in the week, as they ought to have, so as not to require the mails to lie over a day. That being done, they get their mail twenty-four hours earlier at Omaha than they would get it if this fast-mail service were abolished. You must have a limit somewhere. The time will come when it will go to Omaha, I have no doubt. I say to the Senator from Nebraska that I might myself, with double the propriety, with double the facts to fortify me, move to extend this fast route from New York to Boston, reaching all New England. Why do I not do it? Because I am willing to let this system stand as it is until we can apply it gradually and not break it down. I hope the Senate will not agree to this amendment.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Nebraska, [Mr. HITCHCOCK.]

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

Mr. EDMUNDS. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. OGLESBY. The post-route bill as now amended contains the amendments proposed for establishing the fast-mail-line service. I consider that a very important service, and I shall be glad to give it my support. It also provides for a restoration of the franking privilege. I am opposed to the restoration of that privilege. I know of no public necessity that demands it, and I know of no public desire for its restoration. I personally have a knowledge on the subject from those whom I in part represent. I know of no sentiment for its restoration. It is in the nature of a privilege, say of it what you may. By large numbers of the community it is regarded also as a perquisite. I am aware of the personal convenience it brings to every member. I am fully aware of the personal convenience it would bring to me; but I know its restoration brings with it burdens of great weight and consequence, for it will inevitably follow, it must as certainly follow as that effect follows cause in due and reasonable season, that the restoration of this privilege means also a return to the publication of large numbers of public documents.

Mr. DAWES. I should like to ask my friend if he does not know that in no period of the history of the Government has there been so much public printing as there has been since the franking privilege has been abolished?

Mr. OGLESBY. I was informed by the Senator from Maine some time ago that that was not so.

Mr. ANTHONY. That is a mistake.

Mr. OGLESBY. I was informed by the Senator from Maine, who I know is far more familiar with the subject than I am and I think quite as familiar with it as the Senator from Massachusetts—perhaps I am going too far in that—but I was assured by the remarks of the Senator from Maine this morning that, although the variety of the public documents is substantially adhered to, the numbers in each line have been materially diminished and that the expense of public printing stands greatly curtailed in consequence of that. I think the restoration of the franking privilege must of necessity call us back to that responsive request, which will come upon us because of this food and this encouragement, to increase the number of public documents.

Mr. HOWE. Will the Senator allow me to ask him to explain what that necessity is which will demand the Congress of the United States to print documents for the mere purpose of having the fun of franking them?

Mr. OGLESBY. I will try to answer the Senator. Perhaps I shall not be able to do so satisfactorily. The people of this country do not like special privileges. I do not like them myself. I do not like what the people cannot have. I know that this franking is regarded by the public very largely as a privilege and also by some as a perquisite. The very moment that we come into the use of it, it seems natural to my mind and reasonable that they will say, "You have got the franking privilege; you have got all that Printing Establishment there; you have got all this force; now send us documents as you used to do." The Senate cannot have forgotten, I am sure I have not forgotten, that we carried that to such an extent that it became odious almost. Public documents were shipped over the country, and were unopened, unexamined, and unread to a very large extent.

Here is one point which I wish to make about public documents, and I am as frank about it as I can be. I never get a public document that I am not embarrassed. If I get three hundred and my colleague gets three hundred, or if I get one hundred and fifty and he gets the same number, or if I were to get five thousand and he the same number of any particular document, I am at once embarrassed how to dispose of them. We represent a State that has 500,000 voters in it. I am always embarrassed to know what disposition to make of a public document that I have. I cannot give it to one without selecting him from the many. I cannot tell for my life why I select him. It is not because he is wiser, not because he is better, not because he is stronger; but I somehow or other must make a selection, and it is always a disagreeable matter to me. It carries with it the taste or flavor of personal preference, which I do not like.

I voted at one time for a project of the Senator from Rhode Island, [Mr. ANTHONY,] and I think I am still in favor of that project. I do not know that it would be a very popular project, I do not know that it would meet with universal favor; but I think the sentiment of the country would sustain it. That is, to publish all public information, the reports of all the Departments, all scientific, all accurate, correct knowledge gathered up through all the Departments of the Government from all the corners of the Republic, and publish it at the public expense at the lowest possible dime; put it down to the lowest possible cent of cost of publication and then have a list of prices affixed to every one of the documents, the public papers and records; throw every facility within the reach of the people to have this information, and to have it at cost. This morning while the franking privilege was up a constituent of mine, a citizen of the State of Illinois, stood at the door, a perfect stranger to me. I was introduced to him and asked him his sentiments about restoring the franking privilege. Said he, "I would vote against it." I asked him why? Said he, "The people where I live do not want it. If we want a public document we ought to pay for it, because all of us cannot have public documents free." It seemed to me that covered the argument in a nut-shell. Because I think this franking privilege is wrong, because I am opposed to it, because I think it distasteful to the public mind of the country, I shall, although in favor of the fast-mail service, vote against the bill for these reasons.

Mr. HOWE. If the Senator from Illinois had been good enough to give us his counsel before we voted for this offensive measure, so that we could have profited by it, it would have been an act of kindness; but when he gets up and tells us after we have plunged into this slough, and tells the country what fools we are, I do not quite see what good it does me. Nevertheless, better late than never.

Mr. OGLESBY. The Senator from Wisconsin will indulge me a moment.

Mr. HOWE. Certainly.

Mr. OGLESBY. I wish to say that the Senator knows perfectly well that I entertain no such foolish notion at any time of being able to give him instruction or information upon any public service.

Mr. HOWE. But advice?

Mr. OGLESBY. Nor advice, nor suggestion.

Mr. HOWE. The Senator now is altogether too meek. He is able to give a great deal of advice, and he does give a great many most valuable suggestions; but in the spirit of candor that always actuates him, allow me to say that at this time there is no particular value in the suggestion that he has thrown out. He has assigned one of the best reasons in the world, one of the most conclusive reasons I ever heard here or elsewhere for his voting against this bill, and that is that he is opposed to it. That is always a good reason. But when he comes down to details and to explain why he is opposed to it, he does not make himself so clear to my mind nor is his reasoning so conclusive as it almost always is. He says first that the restoration of this franking privilege will of necessity work a return to the business of printing public documents; and I was dull enough not to see why that necessity followed so inevitably upon this vote, and asking him to explain he said that when the people saw clearly that the law clothed us with the right to send them documents free of cost, they would say "Print now, print, you can send them for nothing; keep printing, do not stop printing," and he says that that was the operation of the old law and that we, under the inspiration of these repeated and urgent demands, went on printing documents until they became odious to the people and never were opened.

Now what does my friend really think of the people? That because they see we have the right to write our names on a document they are going to insist that documents shall be printed, that the presses shall groan with that labor, and we groan with writing our franks, and send these documents to them when they are so odious that they will not open the document. The people the Senator represents are more intelligent than that, more rational; they will not make any such demand.

But the Senator says that his constituency is large; it is true; that they are a reading people; that is true. He is proud of that and does not mean to apologize for it. There is no occasion for any apology. And therefore he says that it is impossible for us to print so many documents that he and his colleague can send to everybody what everybody wants. Well, if documents have become odious to them, it will not be so difficult to supply the demand.

He says as we do print, with whatever energy we work the Printing Office, that there is a selection to be made, that he has got to determine every day whether he will send a book to Brown or Jones, to Black or White, and that is always a difficult point to determine. Very likely. He can vote against printing the document. That is one way of solving the difficulty. You can always avoid this particular irksome task by not printing the documents. If you do not print a document at all, you will not have any documents to frank; then your constituents will not have any documents to throw away; then their stomachs will not be turned by the sight of reading matter they do not want to look into. You will get rid of that in this way, and then this business of franking will be confined to the franking of letters which pass between the honorable Senator and his constituents. What about those letters? How many of them are the letters of the Senator himself? How many of them are written to others than those who are utter strangers to him who write to him on



business which nobody else can transact so well as he can, and which he is obliged to reply to or refuse to reply to?

I was once an attorney at law, and I was not a Senator or anything of that sort, and I worked for fees, and my employment, always liberal, was yet limited. I did not have to work for everybody; the whole State of Wisconsin were not my clients, and I have been absolutely surprised to find how much my business increased when I found myself clothed with the senatorial office and was so conspicuously advertised to my constituents and they found I would work for nothing. Really the extent of my business is—

Mr. CONKLING. Gratifying.

Mr. HOWE. "Gratifying," my friend from New York suggests. [Laughter.] A great many times since I have had the honor of a seat here by the side of my friend from New York I have been laid under obligations to him for a suggestion. I think I never felt so gratified to him before in my life as on this occasion. Gratifying! [Laughter.] That is the sort of franking which profits the constituent and does not profit the representative, and it is the kind of franking that I think the representative should be clothed with. It seems to me it is enough if the Senator will turn aside from public business and peruse the letter which calls on him to do some errand at the Pension Office, the Patent Office, the Land Office, the Fifth Auditor's Office, the First, the Third, the Fourth, the Sixth Auditor's Office, the Treasury, the numberless Bureaus and Departments here; it is enough for him if he will read the letter, go to the office or write to the office, get the information that is wanted, hurry up the matter which concerns him, and write the reply, and give his correspondent the information; it is enough, I think, to be demanded of the representative if he will do that without requiring that he shall pay three cents or six cents or twelve cents for the privilege of making that reply and doing that work.

But that is not all. Every Senator on this floor is a member of a committee, and with that committee and the members of it the people of the United States must have open communication, and in addition to all the countless letters which every one of you has to write as an individual Senator to constituents, is a vast number of communications which you have to send by virtue of your official position on committees. I have the honor to be at the head of the Joint Committee on the Library, and during the recess the bills drawn on the funds which are to be disbursed by that committee are not very large in the aggregate of the amount drawn, but in the number of bills they are very large. They come to me. To be sure the Librarian, who draws the bills for my signature, pays the postage on the bills that he sends to me, but he does not send me stamps to pay the return postage. What is my experience in a small way is the experience of other Senators, I take it.

The Senator from Illinois says that he has heard no demand on the part of his constituents for this kind of legislation. Nor have I heard any demand for it from my constituents. It is a measure which I venture to vote for upon my personal official responsibility and in the exercise of my own judgment, such as it is, and I shall submit that act to their approval or disapproval in entire confidence that it will meet with their approval on the whole and in spite of the very forcible suggestions made by my friend from Illinois.

Mr. OGLESBY. I am impressed with the idea, after listening to the Senator from Wisconsin with the pleasure with which I always listen to him, that he was not so much distressed about the suggestions I made which involve himself and other Senators in a noose, or a corner, or some sort of trouble for having voted without having heard from me as he was that I made any remarks at all; for, after having suggested in the outset that the valuable hints I had thrown out ought to have been given earlier, I was amazed, as I suppose the Senate was, to find that they had not had any more effect on his mind than the pouring of cold water on a wild duck's back. He is "of the same opinion still" that the restoration of the franking privilege is a good thing, and he is very manly about it; he votes for it on his own suggestion and says that his constituents must canvass that vote. The Senator is able to defend himself anywhere, at home or here, and I doubt not he honestly thinks his vote is for the good of his constituents. I doubt not he thinks, as other Senators think who have voted with him, that it is a wise and proper vote to give, and that they have felt and now feel that there has been a good deal of unnecessary feeling of hostility to the franking privilege. I know Senators feel that way, and therefore they vote as they do.

I, in rising to speak when I did, did not rise for the purpose of discussing the merits of the question. I did not expect to arrest the attention of the Senate for a moment, because its merits have been gone over since I have been in this body more than one dozen times. Both sides of the question—I think that I am not mistaken about it—are fully and thoroughly understood. It was not for that purpose that I rose. I had no such visionary idea in my mind as that I could throw any new light upon it. Neither did I desire or expect to drive anybody from any conclusion he might have about it. I did not even so much as wish to make any Senator feel uncomfortable over his vote. I only intended to explain my vote against the bill as amended, having voted for the amendment proposed by the Post-Office Committee and its honorable chairman restoring the fast-mail service, and attaching a good deal of importance to the utility of that service, for I believe it is a growing service with the country. I felt willing enough

to vote for its restoration and to extend it also where it had not been before; but when this other question came in to complicate the bill, although of the same nature and relating to the same subject, but as diverse in substance as two objective points can be at either extreme of the pole, I must either vote for the bill with the restoration of the fast mail and with the franking privilege in it, or I must vote against it, and as my vote in the affirmative would be understood to be an indorsement of all the bill contains, I thought I could not afford to vote for the bill with that last amendment in with regard to the restoration of the franking privilege. I merely rose to submit the reasons why I should vote on the bill as I expect to do—against it.

I do not know that my notions about the franking privilege are correct; I do not know that they are sound; but I cannot help stating before taking my seat, and then I shall leave the subject, that the same train of circumstance that followed in its establishment will again follow in its re-establishment. To reason differently is to reason that the cholera that comes occasionally from the Asiatic countries to inflict that pestilence upon us would be different in one time from what it is in another epidemic period. No, Mr. President, the same consequences will in time follow, in my opinion. I should be glad to have all that is said and done, not only the public laws passed, scattered before the people, but the proceedings preliminary to the establishment of laws; I should be perfectly willing to have the country understand every motion, every speech, the action of every committee here. I would be as glad if it were spread before the people as any Senator here, but the Republic is too large for that. Forty-five million people cannot be accommodated with free public documents. It cannot be done. You cannot scatter public documents after the old style and fashion over this country. You must resort to another, and, I think, a more intelligent and more acceptable theory. We must print them at the lowest possible cent of cost and then distribute that information, as we do all others, to our constituents at their own expense. I do not send a document to a voter in Illinois, I have not sent one since I have been in this body, that has not gone to him at the cost and expense of other citizens of Illinois who get no documents. That is a simple proposition that I can comprehend and every living man can. Is it right for me to ask for that privilege for myself without giving it also to my constituency? Shall I ask to have my messages, written letters, and correspondence to them free and not have them write back free to me? The bill itself is wise enough to cover that ground. Correspondence both ways under the amendment goes free. Right along in the train of that correspondence, all that has been done in this body will strike the public mind as being entitled to go equally free. How shall we shake off the responsibility?

Mr. HAMLIN. Will the Senator allow me to interrupt him by saying that if he will read the text of the measure he will find that he is entirely wrong? It says "sent and received."

Mr. OGLESBY. I say the amendment provides for sending and receiving free, and I say it will necessarily follow, because the reasoning goes to that, in restoring the franking privilege it was logical, it was necessary to say that if I should write free to the West, of course the people of the West should write free to me. If it is their privilege, of course they should. That I would be in favor of if I were to vote for the franking privilege, of course. That is just. Now, reasoning in the same line, I know it leaves but a very short time when the public will demand documents equally free, and this body and the other body together will have to publish them, and hundreds and thousands and millions of dollars will be piled up to publish public documents, one in a dozen, one in fifty, or possibly one in a hundred of which will be diligently studied and examined, and the rest will go flocking and flooding, like wild geese, over the country, thrown away as worthless stuff. I think we cannot return to that system again. I think it is unwise to take the preliminary step now toward a return to it, not because I would not be willing as a Senator to have the privilege of writing my correspondence free. I am not better than any other Senator in that respect. I should be very glad to have my correspondence go free; but I do not think my correspondence ought to go free when it is, as I believe, not as other gentlemen believe it is, in its consequences to entail great expense on the Public Treasury.

Mr. PADDOCK. I should like to ask a question.

Mr. OGLESBY. I will yield.

Mr. PADDOCK. The reports of the Commissioner of Agriculture, which are more sought for than any others by his constituents and mine, who are mainly agricultural people, are already franked under the law as it stands now. They have been franked all the time.

Mr. OGLESBY. I understand that very well.

Mr. PADDOCK. I wish to ask my friend if for the reason that we propose now to permit the franking of all other documents he thinks that more Agricultural Reports will be printed, or that because of the privilege which has heretofore existed that they might heretofore be franked, the demand for the printing has been more excessive?

Mr. OGLESBY. I ask the Senator how many Agricultural Reports did he get as a Senator from Nebraska?

Mr. PADDOCK. I will say to the Senator that last year when I came here there was an accumulation of two or three years' reports, but being a new Senator I did not receive a large number. I do not



recollect exactly how many; I should say at least fifty, and probably more. I am unable, however, to state exactly; but I received a respectable number, which I sent to my State.

Mr. OGLESBY. The Senator received fifty or perhaps more. I received more.

Mr. PADDOCK. I do not remember the number. I wish to say that nothing I did during the time I was here last year gave so great satisfaction to the agricultural people I represent on this floor as the distribution of those reports of the Commissioner of Agriculture and the other public documents under the temporary privilege to frank the same which was given last year.

Mr. OGLESBY. I have no doubt that the distribution of the Agricultural Report by the Senator to his fifty constituents was very agreeable. I sent some two or three hundred home and I have no doubt they were very agreeably accepted. How agreeably were the other farmers feeling about that time who did not get any?

Mr. PADDOCK. I will say that where I send an Agricultural Report into an agricultural district of my State to one person a dozen or twenty and perhaps a larger number are very sure to have the use of that report. And the same is true of all public documents sent to rural constituencies.

Mr. OGLESBY. I do not know whether that is so or not; it may be so, or it may not be so. To some extent I presume it is so. I presume one farmer will hand the book to another if he cares to take it, but I do know that one thousand Agricultural Reports scattered between two hundred and fifty thousand farmers of Illinois are not so much as one drop of water in a bucket. What right have I, or has any Senator on this floor, to take fifty or one hundred Agricultural Reports and give them to such men? They may not be especial friends. He will distribute them and they get them. What right has he to select them and leave the others out? The Senator from Nebraska will say in answer, "Give me more;" ay, the whole country will say under this franking privilege, "Give us more, pour out these public documents until you flood the mails with them, do as you did ten years ago, load down the Printing Establishment, load down the cars with them." That is what I think. The Senator from Nebraska like myself must have been embarrassed because he did not receive a sufficient number. I never receive enough public documents to answer the demands of the people who would read them. Therefore those I give them to are specially privileged as I with the franking privilege am specially privileged.

The PRESIDENT *pro tempore*. The question is on the passage of the bill.

Mr. HAMLIN. I hope the Senate will vote.

The question being taken by yeas and nays, resulted—yeas 25, nays 18; as follows:

YEAS—Messrs. Allison, Burnside, Christianity, Cooper, Cragin, Davis, Dawes, Dennis, Frelinghuysen, Gordon, Hamlin, Hitchcock, Howe, Ingalls, Kelly, Key, Logan, Maxey, Mitchell, Norwood, Paddock, Ransom, Sargent, West, and Withers—25.

NAYS—Messrs. Anthony, Bogy, Booth, Boutwell, Cameron of Wisconsin, Cockrell, Conkling, Eaton, Edmunds, Harvey, Kernan, McCreery, McMillan, Morrill, Oglesby, Saulsbury, Spencer, and Stevenson—18.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Bruce, Cameron of Pennsylvania, Clayton, Conover, Dorsey, Ferry, Goldthwaite, Hamilton, Johnston, Jones of Florida, Jones of Nevada, McDonald, Merrimon, Morton, Patterson, Randolph, Robertson, Sharon, Sherman, Thurman, Wadleigh, Wallace, Whyte, Windom, and Wright—28.

So the bill was passed.

The title of the bill was amended by adding the words "and for other purposes."

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 3359) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, and for other purposes.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 1021) allowing the Pacific Mail Steamship Company to carry the mails in their new iron steamships.

The message further announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes.

The message also announced that the House had passed a joint resolution (H. R. No. 164) in reference to the payment of awards of the Venezuelan mixed commission; in which it requested the concurrence of the Senate.

#### PACIFIC MAIL STEAMSHIP COMPANY.

Mr. DAWES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (S. No. 1021) allowing the Pacific Mail Steamship Company to carry the mails in their new iron steamships, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from their disagreement to the amendment of the House numbered 1, and agree to the same.

That the Senate recede from their disagreement to the amendment of the House numbered 2, and agree to the same, with an amendment as follows: After the last word insert, "Excepting compensation for service performed by the said company for the balance of the term of the contract of the said company made in pursuance of the said act of February 17, 1865, and for which appropriation has been made."

JNO. P. JONES,  
H. L. DAWES,  
D. M. KEY,

Managers on the part of the Senate.

A. M. WADDELL,  
J. K. LUTTRELL,  
J. A. GARFIELD,

Managers on the part of the House.

Mr. EDMUNDS. What is the effect of that?

Mr. DAWES. The first amendment was to correct a mistake in a date in reference to a statute. The second amendment of the House excepted the provisions of the statute under which the contract was made. It was feared at the Post-Office Department that an exception of all claims under that statute would prevent the company from obtaining compensation for carrying the mail during the remainder of the term for which an appropriation was made. The Post-Office Department suggest that to save that this additional amendment be agreed to.

Mr. EDMUNDS. It does not cover any fresh claims?

Mr. DAWES. Not at all. It only allows them their compensation as heretofore appropriated.

The report was concurred in.

#### THE SCHOOL AMENDMENT.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of the joint resolution (H. R. No. 1) proposing an amendment to the Constitution of the United States.

The motion was agreed to—yeas 29, nays not counted.

#### LIGHT-HOUSE AND FOG-BELL IN NARRAGANSET BAY.

Mr. BURNSIDE. I wish the Senator from Vermont would allow me a few moments.

Mr. EDMUNDS. As the Senator has been compelled so long to be absent by sickness, I will yield for the matter he wishes to call up, if it does not lead to debate.

Mr. BURNSIDE. During my absence Senate bill No. 492, making an appropriation for a light-house and fog-bell on Narraganset Bay, was passed over on the Calendar, and I now beg the present consideration of it if there is no objection on the part of any Senator. If it leads to any discussion, I shall not press it.

This rock on which this light is proposed to be erected occupies a most dangerous position at the mouth of the west passage of Narraganset Bay. The bill is unanimously recommended by the Committee on Commerce after examination. The erection of the light has been recommended by the Light-House Board for two consecutive years. The bill calls for an appropriation of \$35,000 for the erection of a light. Inasmuch as this obstacle is in the main line of communication between the whole of the lower coast and the upper coast and New England and also the southern coast with Providence and Narraganset Bay, I hope Senators will deem it wise to allow the bill to pass.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 492) making an appropriation for the erection of a monument and spindle on Whale Rock, at the entrance of Narraganset Bay.

The Committee on Commerce propose to amend the bill so to make it read:

That there be appropriated, out of any money in the Treasury not otherwise appropriated, \$35,000 for the purpose of erecting a light-house and fog-bell on Whale Rock at the entrance of Narraganset Bay, under the direction of the Secretary of the Treasury.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read: "A bill making an appropriation for the erection of a light-house and fog-bell on Whale Rock, at the entrance of Narraganset Bay."

#### RECESS.

Mr. INGALLS. At the suggestion of other Senators, I will state that it is desirable that the session should continue to-night. For the purpose of testing the sense of the Senate, if there is no objection, I will move a recess from five o'clock to half past seven.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kansas.

The motion was agreed to.

#### HANNAH W. SUMNER.

Mr. CONKLING. As there are now but ten minutes left of the hour at which the recess begins, if the Senator from Vermont has no objection I will ask the Senate to take up a long-belated House bill now on the Calendar, touching the pension of Mrs. Hannah W. Sumner, widow of Major-General Edwin V. Sumner. I will not state, be-



cause the committee know, that there are some reasons of merit about this case which lead me to move its consideration, and as nothing can be done with the regular order in this interval, I ask that it be taken up now.

Mr. EDMUNDS. Subject to a call for the regular order. I make no objection to anything being taken up if that is the general understanding. I say so now to save time in repeating it, as there are only ten minutes left.

There being no objection, the bill (H. R. No. 2271) to increase the pension of Mrs. Hannah W. Sumner, widow of Major-General Edwin V. Sumner, was considered as in Committee of the Whole. It provides for pensioning Mrs. Hannah W. Sumner, widow of the late Major-General Edwin V. Sumner, who died March 21, 1863, while in command of the Department of the West, at the rate of \$50 per month during her widowhood, in lieu of the pension heretofore granted to her under the provisions of the general pension laws.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

#### EASTERN BAND OF CHEROKEES.

Mr. ALLISON. I ask unanimous consent to call up House bill 3209, which will take but a moment.

Mr. EDMUNDS. I call for the regular order long enough to request the Chair to ask unanimous consent that the regular order shall not be displaced by any of these matters before the recess.

The PRESIDENT *pro tempore*. So the Chair understands.

By unanimous consent, the bill (H. R. No. 3209) to authorize the Commissioner of Indian Affairs to receive lands in payment of judgments to eastern band of Cherokee Indians was considered as in Committee of the Whole. It empowers the Commissioner of Indian Affairs to collect and receive, in payment of the amount due on certain judgments in favor of William Johnston and against William H. Thomas, now held by him in trust for the eastern band of Cherokee Indians of North Carolina, the lands mentioned and described in the award of Rufus Barringer, John H. Dillard, and Thomas Ruffin, as a board of arbitrators, under date of October 23, 1874, upon which such judgments were a lien; the lands to be taken at their cash value, to be determined by an appraisal to be approved by the Secretary of the Interior and conveyed to the eastern band of Cherokee Indians in fee simple.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

#### BERTHOLD LOEWENTHAL.

Mr. LOGAN. I ask leave to call up House bill No. 1713, reported from the Committee on Finance.

There being no objection, the bill (H. R. No. 1713) for the relief of Berthold Loewenthal, of Chicago, Illinois, was considered as in Committee of the Whole. It provides for the payment to Berthold Loewenthal of \$14,850, or so much thereof as he shall prove, to the satisfaction of the Commissioner of Internal Revenue, that he has expended in the purchase of revenues-tamps used by him to stamp manufactured tobacco and snuff, upon which a tax had previously been paid, under the revenue law in force at the time of their manufacture and sale, but which were made liable to be stamped under the act of July 20, 1868, thus requiring a double tax on the same tobacco and snuff.

Mr. LOGAN. There is a very lengthy report from the House committee and a report of the Senator from Tennessee [Mr. COOPER] from the Finance Committee of the Senate, and the bill itself was referred to the Commissioner of Internal Revenue and is perfectly correct.

Mr. COOPER. The bill is entirely right.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

#### HAWAIIAN TREATY.

Mr. SARGENT. I only rise to give notice to the Senate that after the constitutional amendment has been disposed of I shall ask the Senate to take up the Hawaiian treaty bill.

#### HELEN M. STANSBURY.

Mr. McMILLAN. I ask the Senate to proceed to the consideration of the bill for the relief of Helen M. Stansbury, reported from the Committee on Pensions. It is a very worthy case.

There being no objection, the bill (S. No. 832) to increase the pension of Helen M. Stansbury was considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to pay to Helen M. Stansbury, widow of Major Howard Stansbury, late major in the Corps of Engineers, United States Army, a pension at the rate of \$25 per month, to be in lieu of the pension now paid to her.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

#### REMOVAL OF DISABILITIES.

Mr. GORDON. I move to proceed to the consideration of the bill (S. No. 951) to remove the political disabilities of Stephen D. Lee, of the State of Mississippi.

There being no objection, the bill was read the second time, and considered as in Committee of the Whole.

Mr. GORDON. I move to amend by adding the names of John G. Walker, of Texas, and C. M. Wilcox, of Maryland. They are all reported from the Committee on the Judiciary.

Mr. STEVENSON. I think the Wilcox bill is already passed.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Georgia.

The amendment was agreed to.

Mr. WITHERS. I suggest that all the cases of this kind on the Calendar be added.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed by a two-thirds vote.

The title was amended so as to read: "A bill to remove the political disabilities of Stephen D. Lee and others."

#### HARVEY & LEVESEY.

Mr. CAMERON, of Wisconsin. I ask that the Senate proceed to the consideration of House bill No. 3849.

There being no objection, the bill (H. R. No. 3849) for the relief of James W. Harvey and James Levesy, of the firm of Harvey & Levesy, of Wisconsin, was considered as in Committee of the Whole.

The bill refers the claim of James W. Harvey and James Levesy for alleged labor done and materials furnished under their contract with the United States for the building of the masonry work for the piers and abutments of the bridge across the Mississippi River from Rock Island to Davenport, Iowa, bearing date June 1, 1869, to the Court of Claims for hearing and adjudication, and to that end confers jurisdiction on the court to proceed in the adjustment of the accounts between the claimants and the United States as a court of equity jurisdiction, and provides that it may, according to the rules and principles of equity jurisprudence, in its judicial discretion, reform the contract and render such judgment as justice and right between the claimants and the Government may require.

The bill was reported to the Senate, ordered to a third reading, and was read the third time.

Mr. DAVIS. Has the bill been reported favorably?

Mr. CAMERON, of Wisconsin. It is a House bill, considered by the Senate Committee on Claims, and reported favorably.

The bill was passed.

The PRESIDENT *pro tempore*. The hour of five o'clock having arrived the Senate takes a recess until half past seven.

#### EVENING SESSION.

The Senate re-assembled at half past seven o'clock p. m.

#### THOMAS I. FOX.

Mr. WALLACE. I ask unanimous consent to take up a bill on the Calendar for the pensioning of a blind soldier. It is regularly reported by the Committee on Pensions, House bill No. 1089.

By unanimous consent, the bill (H. R. No. 1089) granting a pension to Thomas I. Fox, late a private of Company C, Fifty-second Regiment Pennsylvania Volunteers, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

#### BILL INTRODUCED.

Mr. HARVEY asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 25) providing for a commission to examine into the method of collecting internal-revenue taxes on distilled spirits and fermented liquors; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills:

A bill (S. No. 852) for the relief of Elisha E. Rice;

A bill (S. No. 944) for the relief of Gilderoy M. Hardy;

A bill (S. No. 990) to remove the political disabilities of Reuben Davis, of Mississippi; and

A bill (S. No. 1036) to provide for the printing and distribution of the reports of the Commissioner of Agriculture for the years 1874 and 1875.

The message also announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 846) to punish the counterfeiting of trade-mark goods and the sale or dealing in of counterfeit trade-mark goods.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 3962) to provide means to defray the expenses of the District of Columbia until December 1, 1876, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GEORGE WILLARD of Michigan, Mr. G. W. CATE of Wisconsin, and Mr. J. HARTRIDGE of Georgia managers at the conference on its part.

The message also announced that the House had passed a concurrent resolution for the adjournment of both Houses of Congress on Monday, the 14th instant, at four o'clock p. m.

#### ENROLLED BILLS SIGNED.

The message further announced that the Speaker *pro tempore* of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 561) for the relief of Major Junius T. Turner; and

A bill (S. No. 1007) concerning the employment of Indian scouts.



HARRY E. EASTMAN.

Mr. HOWE. I ask the Senate to proceed to the consideration of House bill No. 3374.

Mr. EDMUNDS. Let it be subject to a call for the regular order.

The PRESIDENT *pro tempore*. All these requests will be so considered.

There being no objection, the bill (H. R. No. 3374) for the relief of Harry E. Eastman, late lieutenant-colonel Second Regiment Wisconsin Volunteers, was considered as in Committee of the Whole. It provides for the payment to Harry E. Eastman, of Green Bay, Wisconsin, of \$639.08, in full satisfaction of his claim for pay as lieutenant-colonel of the Second Wisconsin Cavalry Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

## PAVING OF PENNSYLVANIA AVENUE.

Mr. MORRILL. I merely want to call up a District bill that will take but a moment. I ask that the bill amending the act passed for repaving Pennsylvania avenue be taken up. It is the bill (H. R. No. 4085) to repeal part of section 5 of an act entitled "An act authorizing the repaving of Pennsylvania avenue," approved July 19, 1876.

Mr. SARGENT. I object, not capriciously, but I think for good reasons.

Mr. EDMUNDS. I call for the regular order.

The PRESIDENT *pro tempore*. The regular order is House joint resolution No. 1, proposing an amendment to the Constitution of the United States.

Mr. MORRILL. I want to appeal to the Senator from California. It is deemed necessary by the commissioners appointed to take charge of the work that this bill should pass.

Mr. SARGENT. I wish to ask the Senator is it not true that the property-holders on the Avenue have petitioned against this bill, stating that they have suffered on account of the condition of the Avenue.

Mr. MORRILL. I do not so understand. I understand that some of them have, but I do not understand that even those persons who have so petitioned, on a proper understanding of the facts, would object. The amount of it is that there are two provisions in the act that passed, one granting time that might be necessary and another providing that it shall be done by the 1st of December. Now it is questionable what this proviso applies to; and if by any accident the work should go over beyond the 1st of December it is then doubtful whether they can proceed to levy the tax upon the adjacent property-holders. But I wish to say to the Senator from California and also to any that may feel an interest in the matter, that there is no purpose whatever to procrastinate this paving. It will be done most likely by the 1st of November.

Mr. SARGENT. I have so much confidence in the judgment of my friend from Vermont on matters relative to this District, in which he takes so much interest, that I am going to withdraw the objection, although I do it with some misgivings, I must confess. I withdraw the objection.

Mr. MORRILL. I think there is no sort of doubt about it.

Mr. CONKLING. To be frank with the Senator from Vermont, I want to say that I shall object to an unconditional repeal of that provision. If the purpose of the Senator is to extend the time to the 1st of January, I will not object to that, and so I have said to some of these proposed contractors who have spoken to me about it; but I will not by my vote allow these men to tear up the pavement of Pennsylvania avenue and then take their own time, whether it be through the whole of next winter or the summer after or some other time, to complete this job. Anything for which I vote must have a day fixed. There are 90,000 yards of this pavement. They say a thousand yards a day is a good day's work. That would require ninety days in the clear. Deducting Sundays and rainy days perhaps it is fair to say that there would be twenty-eight or thirty days lost between now and the 1st of December. That would leave them scant of ninety days. I will vote to extend the time so as to give them ninety days or one hundred days in the clear to do this thing. I take it for granted the contract will provide for such scrutiny and verification of this work that men will not be able to put off a slighted job upon the Government. But I repeat that I will not consent, either by withholding objection or any other way, to have this contract so made that the contractors at their convenience, either by the 1st of January or the 1st of March or on the 1st of next August as they please, may complete this roadway. The pavement of the street originally was an outrage. I have the right to say that because I looked upon it and I know how the blocks were put down. I watched it while it was being done. I am not willing to run the risk of a second botch and swindle in this pavement or an imposition by having them take a century if they choose with the privilege of repeating, to lay the pavement on this street.

Mr. MORRILL. Mr. President—

Mr. EDMUNDS. I call for the regular order. This evidently will lead to debate.

Mr. SPENCER. I ask the Senator from Vermont to yield to me that I may read some dispatches?

Mr. EDMUNDS. I think they will lead to debate.

Mr. SPENCER. I have received dispatches from Alabama which are a full and complete answer to dispatches received the other day

by the Senator from Connecticut, [Mr. EATON,] to which I beg the attention of the Senate. I ask to have them read. They are very brief.

Mr. EDMUNDS. I am afraid they will lead to debate.

Mr. CONKLING. The Senator can read them in debating the amendment. He has a right to debate the amendment.

Mr. SPENCER. Certainly I have.

## TRADE-MARK GOODS.

Mr. CONKLING. Mr. President, being compelled to be absent from the Senate in the morning, I ask unanimous consent to take up a message from the House which lies on the table.

The PRESIDENT *pro tempore*. The Chair hears no objection.

Mr. EDMUNDS. Subject to a call for the regular order.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 846) to punish the counterfeiting of trade-mark goods and the sale or dealing in counterfeit trade-mark goods.

Mr. CONKLING. It is so late in the session that I think it hardly worth while to ask another conference with the House, although it differs radically with the Senate and the Judiciary Committee of the Senate touching this bill; but as the House has left it somewhat better than no bill at all, after consulting with the members of the Judiciary Committee I move that the Senate recede from its vote disagreeing to the House amendments and let the House have its way upon the bill.

The PRESIDENT *pro tempore*. The Senator from New York moves that the Senate recede from its disagreement to the amendments of the House.

The motion was agreed to.

## THE SCHOOL AMENDMENT.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. R. No. 1) proposing an amendment to the Constitution of the United States.

The Committee on the Judiciary reported an amendment to strike out all after the enacting clause of the joint resolution and in lieu thereof to insert the following:

That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of the said Legislatures, shall be valid as a part of the said Constitution, namely:

## ARTICLE XVI.

No State shall make any law respecting an establishment of religion, or prohibiting the free exercise thereof; and no religious test shall ever be required as a qualification to any office or public trust under any State. No public property and no public revenue of, nor any loan of credit by or under the authority of, the United States, or any State, Territory, District, or municipal corporation, shall be appropriated to or made or used for the support of any school, educational or other institution under the control of any religious or anti-religious sect, organization, or denomination, or wherein the particular creed or tenets of any religious or anti-religious sect, organization, or denomination shall be taught. And no such particular creed or tenets shall be read or taught in any school or institution supported in whole or in part by such revenue or loan of credit; and no such appropriation or loan of credit shall be made to any religious or anti-religious sect, organization, or denomination, or to promote its interests or tenets. This article shall not be construed to prohibit the reading of the Bible in any school or institution; and it shall not have the effect to impair rights of property already vested.

SEC. 2. Congress shall have power, by appropriate legislation, to provide for the prevention and punishment of violations of this article.

Mr. SPENCER. I have received this afternoon these two dispatches from Alabama. They are in answer to the dispatch read by the Senator from Connecticut [Mr. EATON] the other day from the chairman of the democratic State central committee, who stated that there have been no intimidation, no violence, in the election which took place there on last Monday.

These dispatches are:

MONTGOMERY, ALABAMA, August 11, 1876.

Hon. GEO. E. SPENCER:

The election was conducted under new laws, under color of which thousands upon thousands of republican voters were denied the right of suffrage. In no proper sense was there an election by the people in Alabama on last Monday.

CHARLES E. MAYER,

Chairman, Republican State Executive Committee.

MONTGOMERY, ALABAMA, August 11, 1876.

United States Senator GEORGE E. SPENCER:

We emphatically deny any allegation to the effect that the election last Monday was conducted throughout Alabama with fairness or without disturbance or complaint of intimidation. Our denial will be sustained upon any fair investigation. As the issue has been publicly made such investigation seems due to all parties.

W. H. SMITH,

Chairman of Republican State Executive Committee.

Mr. President, all I desire to say is that I hope the Senate will appoint a special committee to investigate this election. As investigations seem to be a favorite subject with the democrats of this Congress, I can see no better opportunity than to investigate this election. I hope it will be done.

Mr. STEVENSON. This is a very important amendment to the Constitution, and I do not think there is a quorum present. I therefore ask to have the roll called.

The PRESIDENT *pro tempore*. The Secretary will call the roll.

Mr. EDMUNDS. The roll cannot be called on mere demand. The Senator can make some motion that will make a test. Of course we do not want to vote without a quorum.



Mr. STEVENSON. I move a call of the Senate.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none. The Secretary will call the roll.

The Secretary called the roll; and 31 Senators answered to their names, as follows:

Messrs. Bogy, Bontwell, Cameron of Wisconsin, Christiancy, Clayton, Cockrell, Conkling, Cragin, Davis, Eaton, Edmunds, Ferry, Frelinghuysen, Harvey, Howe, Ingalls, Kelly, Kernan, Key, McCreery, McMillan, Mitchell, Morrill, Pad-dock, Randolph, Sargent, Spencer, Stevenson, Wadleigh, West, and Windom.

Mr. EDMUNDS. Let the absentees be called.

The Secretary called the names of the absent Senators; and on this call

Mr. LOGAN answered.

The PRESIDENT *pro tempore*. Four are lacking to make a quorum.

Mr. EDMUNDS. I move that the Sergeant-at-Arms be directed to request the attendance of absentees.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Sergeant-at-Arms will execute the order of the Senate.

Mr. SAULSBURY, Mr. NORWOOD, Mr. BOOTH, and Mr. OGLESBY presently entered the Senate Chamber.

The PRESIDENT *pro tempore*. (at seven o'clock and fifty-five minutes.) There is a quorum present.

Mr. HOWE. I move that further proceedings under the call be suspended.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Senator from Vermont is entitled to the floor.

Mr. EDMUNDS. I do not want the floor. I want the vote.

The PRESIDENT *pro tempore*. The question is on the amendment reported by the Committee on the Judiciary as a substitute for the House resolution.

Mr. RANDOLPH. Mr. President, so long a time had passed by since the introduction of the Blaine amendment to the Constitution, relating to the public-school system, and so little interest had been taken in it of late, that I concluded it had served the purpose of its author, and was not likely to further engage public attention at this session.

In this view I was mistaken. We found upon our desks a day or two since the substance of the Blaine amendment, with a clause from the House committee added thereto, and we were informed that so far as the action of the House of Representatives was concerned the constitutional amendment was adopted.

Immediately following this action came a series of propositions changing that adopted by the House. Although the Blaine amendment had been before the country for months, had received no alteration or suggestion from its warmest friends, had been the text of praise and approval from one end of the country to the other for more than half of the year, no one questioned its force or validity, or doubted its efficacy if made a part of the Federal Constitution, until it received a sanction that has clearly disturbed and surprised some of the members of this body who are not democrats.

So we find upon looking at the report of the Judiciary Committee on our desks just now that the author of the Blaine amendment, in the judgment of the majority of the Judiciary Committee—to put it courteously—was either wanting in brains or honesty. For the propositions of the Judiciary Committee in substance declares that the amendment he proposes, and that which every republican paper in the land has for months sustained as indispensable to good government, is no amendment at all, would be non-effective if passed, and utterly falls short of the object of its promoters.

It does seem to me, Mr. President, and it will seem to the real friends of education, and to the plain people of the country, that all the wisdom and light that is now suddenly launched upon this amendment should have been given long ere this by the sincere friends of public schools. The amendment as it comes to us from the House is deemed by men as wise and learned as we are a complete and efficient act. It has, in substance, received the sanction of the great majority of the press and the people. Thus its adoption by the States would give rise to little or no contention, and when adopted would be received by courts and people as a final disposition of a dangerous question.

The amendment proposed by the Judiciary Committee is an altogether different affair from that the people have asked for or the press discussed. It opens, if adopted, many grave questions, good enough for the welfare of the legal profession, but bad enough for the body-politic. It will leave in doubt much that is now deemed settled, and, as it seems to me from the hasty perusal I have been able to give to the paper to-day, instead of disposing of a vexed question, taking it out of politics and contention, its main result, if it is not its object, will be to arouse anew, and unnecessarily, an element of discord.

I can take no part in any such legislation, save to attempt to prevent it. I have labored hard all the session to have an amendment passed substantially like that sent to us from the House. It is reasonable in character, acceptable to most men of all creeds and denominations, has no latent purpose to excite, no new scheme to add to the already dangerous powers of Congress, and, as is believed by most men, would prove a just and peaceful settlement.

For the House amendment I shall steadily vote; for all alterations of that proposition I shall vote against, as I believe most of the

true friends of education should. The adoption of the House amendment concludes congressional action and relegates final action to the States. And if two-thirds of the Legislatures of the States concur in the House article, in my judgment it will be perfectly competent for the Secretary of State, in the usual form, to declare the fact and promulgate the additional article of the Constitution. Article 5 of the Constitution says:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as parts of this Constitution, when ratified by the Legislatures of three-fourths of the several States or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress.

Now, if it be contended that the House amendment does not set forth precisely which way the States shall make their ratification—whether by conventions or by the action of State Legislatures—my reply is that the defect may easily and promptly be remedied by an act or joint resolution of Congress designating the mode of ratification required, and such legislation would not take one hour, as we all full well know. There is no real difficulty, Mr. President, in the way of making the House amendment to the Constitution effective if all agree or a portion of the republican side agree that all good citizens should strive to make "religious dissensions as a force in politics as absurd as witchcraft."

If the amendment proposed by the House of Representatives shall become a part of the organic law, and its adoption shall make religious dissension as a force in politics profitless, then, sir, I shall consider it to have been one of the special privileges of my public life to have assisted by my vote to so important a result.

In my decision upon the House constitutional amendment I am guided by two considerations: first, is it right to enact; second, is it expedient to do? As no sensible and patriotic man questions the righteousness of an act that tends to bring peace out of discord, and as the elimination of the religious question from politics can have but one tendency, I have no doubt as to the righteousness of the amendment proposed by the House of Representatives.

This leaves alone to be determined the question of expediency; and this I decide upon the principle that whatever change can be wrought within the organic law, right in itself and tending to "insure tranquillity" and "promote the public welfare," is wise to do.

The House proposition to amend the Constitution of the United States, which I desire adopted, is in these words:

ART. 16. No State shall make any law respecting an establishment of religion or prohibiting the free exercise thereof, and no money raised by taxation in any State for the support of public schools, or derived from any public fund therefor, nor any public lands devoted thereto, shall ever be under the control of any religious sect or denomination; nor shall any funds so raised, or lands so used, be divided among any religious sects or denominations.

This article shall not vest, enlarge, or diminish legislative power in Congress.

It is simply an additional inhibition upon the States; no more, no less. It aims to be a conserving power in controlling that which, in most States, exists. It founds no new principle, expresses no opinion as to the wisdom or policy of an existing practice. It recognizes the fact that a system known as the common-school system has obtained in almost every State, has the sanction directly or indirectly of most State governments, has the generous support of most taxpayers, has passed almost unchallenged by the sentinels of the press, and has had for years the great sanction of an overwhelming public opinion.

It is with this existing policy as to a system of general education that the House amendment proposes to deal; by inhibiting States from establishing any form of religion; by forbidding them from permitting the public funds raised for the support of public schools to be under sectarian control or divided between religious denominations. From beginning to end as to the States there is no directory word in the amendment proposed by the House, only provisional ones. When any State shall have raised money by taxation for the support of public schools or obtained public moneys by other means, no portion of it shall be under sectarian control or divided between religious denominations.

Should one or more of the States decline, or omit to raise money for school purposes, or, possessing public moneys, decline to use them for such purposes, to them the new amendment is of non-effect. Its operation is not necessarily universal. In this respect it is less inhibiting than most of the inhibitory clauses of the Constitution. The effect of the House amendment is not to affirm education by Government as a principle, but to establish a principle regulating the policy of such States as may locally favor the public-school system.

Education, as the word is commonly used, is not a duty of the Federal Government, as ours is constituted. Nor, sir, can it ever be, without we make a certain and dangerous surrender to gain a possible advantage. As it now stands there is not a word to be found in the Federal Constitution—direct—or capable of fair construction—implied, that makes it a duty of Government to attend to the education of the children of its citizens. It is one of its privileges to assist, as it has done, whenever in its discretion the Congress has deemed such assistance wise or beneficent. Thus, the grant of public lands for township schools in the new States and for agricultural colleges in all the States, the advantages of which we have yet to fully appreciate.



But, sir, I re-affirm that there is not only no duty devolving upon the Federal Government, by reason of any provision in the Constitution, to directly care for the education of its citizens, but that the attempt upon the part of the Federal power to exercise authority in this direction would be without warrant, and as pernicious in precedent as it would finally become dangerous in practice.

But we are told we should make education a Government duty. We are warned to heed the "public conscience" upon this matter. The conscience of the State! Sir, there is no such reality. There cannot be. Conscience is the development of a moral element within the individual. State conscience there is none. Public sentiment there is, no doubt; but to confound the two is fatal to right and truth.

But public sentiment—interest, or prejudice perhaps, not reason always nor often—is the varying weather-vane. Conscience is the moral element in man, the ever-growing monument of reason and right and religion.

Can the state, with an ever-changing policy upon most public questions, be rightfully said to have a "conscience?"

Will you make the will of the majority the conscience of the state? It can have but one; what shall it be? As to the duty of education, for instance, shall it favor Catholic or Protestant? Whichever one, its enforcement tends to tread down and out the other creed. If there be in truth a public conscience it should be obeyed, and obedience compels a standard. And a decision as to what the true one is, compels a council. It would soon need a supreme arbitrator—thus a Pope!

This is the logical sequence to the assertion of a public conscience; this, sooner or later, a result as fatal to freedom of conscience as could be contrived.

There is a general belief that good government requires by some sufficient means religious as well as secular education. Protestants and leading American Catholics agree in this.

Infidels and some other sects deny the necessity. The present issue as to where secular education ends and religious teaching begins is mainly between Protestants and Catholics. Agreeing in the main proposition, they are at irreconcilable difference as to the means. Most Protestants urge taxation for the support of public schools, in which they would have limited religious instruction. Catholics would have no general taxation for the purpose; or if any be had, then an equitable distribution of the moneys raised. The Catholic preference is for an education dependent upon the will of the parent, or the zeal of rival religious organizations. They contend that in the advanced position of the cause of education in the United States the wide-spread knowledge of the premium which society gives to intelligence will ever insure fair education to the masses. Protestants assert that history does not sustain this view.

Many even claim that the security of the state hinges upon the education of its people; that ignorance is the instrument of despotism, as intelligence is its foe. Thus it is argued the free state can only maintain its integrity through the education of its citizens. If this be strictly true then education must be compulsory. Then if you may compel my child to learn the lessons the state deems best, and those lessons be what a majority of the state, through temporary rulers, agree upon, what becomes of the priceless guarantee of liberty of conscience?

What is education? Shall the state cease its care with instructing the mind? What of the morals of its coming citizen? Surely the state has an equal interest, at least, in moral as in intellectual education. Then what of the physical condition of its people? All history teaches that a race physically degenerate rapidly deteriorates in mind and morals. Physiologists claim that the only sound basis for a race that would steadily rise in the scale of intelligence and morals is (primarily) in healthful physical life.

Shall the state, finally agreeing to this doctrine, enact laws regulating and controlling the physical habits of the citizen?

I do not imagine, Mr. President, that any of the extreme illustrations I have used are likely to occur. The attempt would revolutionize and wreck the state. What I have endeavored to show by extreme illustrations is that, if Government once embarks upon the supreme care of the citizen as to education in one direction, logically it may in all. The want of wisdom in such an attempt needs no argument.

A word in passing upon another phase. There has grown to be a zeal without judgment in the matter of public education that demands our attention as legislators and citizens.

In an undue haste to give education to our children we may sometimes overlook that species that "teaches by example."

What, for instance, shall the Virginian of the future say when he is told that his State bestowed nearly \$3,000,000 in support of its public schools in 1875 and in the same year for want of means defaulted in the payment of part of its public debt? Yet I am told this is a fact, the result of a constitution forced upon the people of a State by political adventurers and zealots, without intelligence to guide or honest purpose to control them.

What comfort to the widow and orphan, bondholders of Virginia, that though their claims are unpaid, their neighbors' children are educated?

Mr. President, we must cease to consider the state as any other thing

than what human wisdom or human infirmity has made it. There is no "conscience" in it, no nearer approximate to that

Inward monitor in man,  
Owing allegiance to no earthly power,

than sentiment, healthful or sickly.

Education is the privilege as it is the duty of the citizen. It is not the function of a republican state.

As citizens agreeing in the main as to the wisdom and beneficence of having our children intellectually taught, we may and do through our local legislators largely agree to taxation for school purposes, but not for denominational ones. To this extent, and to this only, can we go without infringement upon the rights or consciences of others; no matter how few they be in number or weak in power, their rights should be as sacred and inviolate as law can indicate and justice enforce.

No person who knows my record will accuse me of unfriendly feeling to the cause of education or to a system of public schools.

I would give the fullest chance to every child in the land. I have a hearty sympathy with all who would gain knowledge and thus attempt at least to rise to positions of prominence and usefulness.

But I cannot be counted as an advocate of a system, great and beneficent as it is and loving its fruits as I do, if it is grounded in error and lives by injustice. My conscience teaches me that all such structures are built on the shifting sands and will finally perish.

The public schools have wrought great results, and principally that one which now makes the system a fixed policy of every community in the land. So certainly have our people been indoctrinated with the necessity of public schools that if every State system were abandoned to-morrow, there would promptly arise a local one adapted to the wants of the community, supported by common consent or by simple local taxation, and supervised by a vigilance that is now relegated by the citizens to others.

So much has been gained by the present system; a thirst for knowledge, an evidence to all of its wonderful power, and a decision to be accepted as final, that the American people will be second to none in striving for all the advantages which education brings.

Thus far I have endeavored to show as to the amendment proposed by the House of Representatives—

That it is but an added inhibition upon the States.

That it simply seeks to deal with a wide-spread practice as to education.

That upon many of the States it is of no additional effect, because they have already, in spirit, adopted amendments to their own constitutions of similar effect.

That it is less inhibitory than any original inhibition upon the States by the Federal Constitution.

That the purpose of the amendment is not to affirm a principle as to the duty of Government to educate, but to regulate in one respect the practice of States as to education.

Did my limited time permit I would endeavor to demonstrate that from the nature of men's education under differing theories of duty to God and his fellows compromise and reconciliation upon any system of general religious education is impracticable.

I have indicated what seems to me to be, if persisted in, the ultimate of any system that antagonizes large bodies of citizens, attracting to them through sympathy—that oppression, real or fancied, ever begets—a large and constantly increasing number of non-religious citizens. As a Protestant, believing in the beneficence and desiring the advancement by fair means of my own religious doctrines, I protest against a public policy that brings so little of gain to me, and that promises so much to my differing fellow-citizens.

Mr. President, I am aware that all these views are not in harmony with those of many of those with whom my religious sympathies are. I sincerely regret that I am compelled to differ with them, but my convictions of duty leave me no alternative. I am persuaded, after long and careful examination, that our true policy is to have and defend strictly non-sectarian schools, and that the effort to have others supported at the common cost is not only an injustice to a portion of the tax-payers of the country, but is a great and growing source of danger to the cause of popular education.

It is over a year since I saw in the leading Presbyterian journal of New York a hearty indorsement of these words from Archbishop Bayley, of the Church of Rome:

If we wish our people to be comforted with religion, we must take care of them ourselves, and the sooner we gird ourselves up to the work the better for them and our own souls.

Is it not wiser and safer that we who would place public education upon an enduring basis should so decide as to leave political affairs as the business alone of the state and religious teachings the duty of parents and of denominations and sects?

A word in closing. The effect of the amendment suggested by the Senate committee as a substitute for the House article is to prohibit all religious instruction in any "institution" supported in whole or in part by the public moneys. Thus it would come to pass that in all prisons and reformatory institutions no religious teaching can be had, because under the article proposed "no particular creed or tenet" can be lawfully taught. Those who from vice and immorality most need religious teaching, and who are wholly inaccessible to parents or



friends, are absolutely cut off, should the Senate committee's amendment be adopted?

Yet the same article of the Constitution proposed by them says that the reading of the Bible shall not be prohibited in any school or institution. Is not this a flat contradiction; or is the Bible a non-religious book?

The "article" proposed by the Senate seems to me most contradictory in this regard.

I could scarcely furnish a stronger illustration of the difficulties that surround those who insist upon non-religious teaching in one breath and in the next make constitutional provision for reading the Bible in all public institutions. Which edition shall it be, if the state assumes to designate one according to its "conscience"? Is it not wiser and better and far more just that each individual, even the criminal, shall decide what his religious needs are?

The whole difficulty after all narrows down to this, that it is impracticable to teach religion in schools supported at the public expense and not violate the divine law, which sums up our human duties and obligations in the injunction—

Do unto others as ye would be done by.

Mr. President, I am sincerely desirous that a speedy, permanent, and just settlement of this disturbing and dangerous question be had. The amendment passed by the House of Representatives is the one upon which the judgment of the American people has substantially passed. Its adoption by the Senate will be quickly followed by the ratification of the necessary States.

It lies within the power of the republican majority of this body to forever take the religious element out of politics. Will they do it?

The hours of the session remaining to us are few. The attempt to remodel so important a matter as an amendment to the Constitution, almost unanimously adopted by the House, and sustained by the prominent men and leaders of both parties in that body, will be understood by the American people to be an evasion of the question. They are not to be blinded by sophistries. They understand that by the almost unanimous voice of the Representatives of the people a final and satisfactory solution has been proffered. It remains to be seen whether the party in power in this body will refuse to adopt the offer, and by subterfuges seek to keep open the question for political capital, regardless of the public welfare and the great interest presented in the cause of free education.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on the Judiciary.

Mr. DAVIS called for the yeas and nays, and they were ordered.

Mr. EATON. As I understand, this is the vote on the amendment of the Senate committee that we are now to take.

The PRESIDENT *pro tempore*. It is.

Mr. EATON. This is not a vote in favor, but a vote on the substitution, as I understand.

The PRESIDENT *pro tempore*. A vote on the amendment in the form of a substitute.

Mr. EATON. A vote in favor of the substitution, if I understand it, does not pass the amendment.

The PRESIDENT *pro tempore*. It does not pass the joint resolution; it is an amendment to it on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. McDONALD, (when his name was called.) I am paired with my colleague, [Mr. MORTON;] and as he expressed his disapprobation of the House resolution and as I am in favor of the House resolution rather than the amendment which has been proposed, I shall decline to vote.

Mr. WINDOM, (when his name was called.) On this question I am paired with the Senator from Delaware, [Mr. BAYARD.] If he were present he would vote "nay," and I should vote "yea."

The roll-call was concluded.

Mr. CLAYTON. On this question I am paired with the Senator from North Carolina, [Mr. MERRIMON.] If he were here he would vote "nay," and I should vote "yea."

Mr. DAVIS. I have been requested by the Senator from Ohio [Mr. THURMAN] to announce that he is paired with his colleague, [Mr. SHERMAN.]

Mr. DENNIS, (after having first voted in the negative.) I voted on the impression that this was not a political question. Since it seems to be so regarded, I desire to state that I am paired with the Senator from Iowa [Mr. WRIGHT] on such questions. If he were here I presume he would vote "yea," and I should vote "nay." I ask to withdraw my vote.

The PRESIDENT *pro tempore*. The Chair hears no objection to the withdrawal of the vote of the Senator from Maryland.

Mr. HITCHCOCK. I wish to say that the Senator from South Carolina [Mr. ROBERTSON] is paired with the Senator from Pennsylvania [Mr. WALLACE] on all political questions, and desired me to make the announcement.

Mr. SAULSBURY. I desire to state that I am paired with the Senator from Pennsylvania [Mr. CAMERON] on all political questions. I do not know whether he would consider this a political question or not.

Mr. ALLISON. I think he would.

Mr. SAULSBURY. A constitutional amendment ought not to be a

political question; but I do not want to vote if the friends of the Senator consider it political.

The PRESIDENT *pro tempore*. The Chair reminds the Senator that debate is not in order.

Mr. SAULSBURY. I am told several gentlemen have refrained from voting under similar circumstances. I only desire to say that I should vote against the substitute, if I voted at all.

The result was announced—yeas 27, nays 15; as follows.

YEAS—Messrs. Allison, Anthony, Booth, Boutwell, Burnside, Cameron of Wisconsin, Christiancy, Conkling, Cragin, Edmunds, Ferry, Frelinghuysen, Harvey, Hitchcock, Howe, Ingalls, Logan, McMillan, Mitchell, Morrill, Oglesby, Paddock, Patterson, Sargent, Spencer, Wadleigh, and West—27.

NAYS—Messrs. Bogey, Cockrell, Cooper, Davis, Eaton, Gordon, Kelly, Kernan, Key, McCreery, Maxey, Norwood, Randolph, Ransom, and Stevenson—15.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Bruce, Cameron of Pennsylvania, Clayton, Conover, Dawes, Dennis, Dorsey, Goldthwaite, Hamilton, Hamlin, Johnston, Jones of Florida, Jones of Nevada, McDonald, Merrimon, Morton, Robertson, Saulsbury, Sharon, Sherman, Thurman, Wallace, Whyte, Windom, Withers, and Wright—29.

So the amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment made as in Committee of the Whole was concurred in.

Mr. EDMUNDS. On the third reading I ask for the yeas and nays because some of our friends on the other side may have voted against the amendment thinking it was unnecessary to the original proposition, and now that it is adopted I dare say we shall get a unanimous vote.

Mr. SARGENT. Will it not do to have the yeas and nays on the passage?

Mr. EDMUNDS. No, I would rather have them on the third reading.

The PRESIDENT *pro tempore*. The question is on ordering the amendment to be engrossed and the joint resolution to be read the third time.

Mr. EDMUNDS. I ask for the yeas and nays on that question.

The yeas and nays were ordered.

Mr. GORDON. I wish to make an inquiry whether after the vote is taken on the passage of the resolution now before us there will still be an opportunity to vote upon the resolution as it came from the House. I desire to vote for the resolution as it came from the House if it be possible to get at it.

The PRESIDENT *pro tempore*. That has been stricken out.

Mr. EATON. I should like to ask the Chair what the result of this vote is. There is so much confusion on the floor that I do not know what the question is that is about being put.

The PRESIDENT *pro tempore*. The joint resolution is now in the Senate. The amendment agreed to on the yeas and nays in committee has been concurred in in the Senate by a *viva voce* vote. The question now is on ordering the amendment to be engrossed and the joint resolution to be read the third time.

Mr. EATON. It is not on its passage yet.

The PRESIDENT *pro tempore*. It is not yet. That will be the next stage.

Mr. DAVIS. Do I understand the Chair to rule that it would be out of order to offer the House resolution to the present resolution?

The PRESIDENT *pro tempore*. The Chair did not so rule. The Chair answered the question of the Senator from Georgia that the House resolution was stricken out.

Mr. GORDON. I asked the Chair—I do not know whether the Chair understood me or not—whether it was competent to offer the House resolution as a substitute.

The PRESIDENT *pro tempore*. It will not be after this vote.

Mr. GORDON. It is now?

The PRESIDENT *pro tempore*. It is open to amendment before the third reading.

Mr. EDMUNDS. We have voted to strike out that very thing and therefore it is not in order to restore it.

The PRESIDENT *pro tempore*. But it is proposed to strike out and insert.

Mr. EDMUNDS. We have voted to strike out that thing and insert the other, which has been done. Now the Senator wants to strike out what we have just put in, and put in what we have struck out.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Georgia to wish to strike out and insert other matter.

Mr. GORDON. No; I mean simply to offer the House resolution.

The PRESIDENT *pro tempore*. That cannot be done. That has been stricken out.

Mr. RANSOM. My friend from Georgia will allow me to say that the question decided by the vote just taken was that the Senate preferred the amendment of the Judiciary Committee to the resolution as it came from the House.

Mr. ALLISON. That is all.

The PRESIDENT *pro tempore*. The yeas and nays will be taken on ordering the amendment to be engrossed and the joint resolution to be read the third time.

The Secretary proceeded to call the roll.

Mr. DENNIS, (when his name was called.) I am paired with the Senator from Iowa, [Mr. WRIGHT.] If present he would vote "yea," and I should vote "nay."

Mr. McDONALD, (when his name was called.) I have the same statement to make that I made a few moments since in reference to the pair with my colleague, [Mr. MORTON.]



The call of the roll was concluded.

Mr. CLAYTON. I again state that I am paired with the Senator from North Carolina, [Mr. MERRIMON.] If present he would vote "nay," and I should vote "yea."

Mr. WINDOM. On this question I am paired with the Senator from Delaware, [Mr. BAYARD.] If he were present he would vote "nay," and I should vote "yea."

Mr. SAULSBURY. I am paired with the Senator from Pennsylvania [Mr. CAMERON] on all political questions. Not knowing whether he would consider this a political question or not, I decline to vote. If at liberty I should vote "nay."

The result was announced—yeas 27, nays 15; as follows:

YEAS—Messrs. Allison, Anthony, Booth, Boutwell, Burnside, Cameron of Wisconsin, Christiancy, Conkling, Cragin, Edmunds, Ferry, Frelinghuysen, Harvey, Hitchcock, Howe, Ingalls, Logan, McMillan, Mitchell, Morrill, Oglesby, Paddock, Patterson, Sargent, Spencer, Wadleigh, and West—27.

NAYS—Messrs. Boggy, Cockrell, Cooper, Davis, Eaton, Gordon, Kelly, Kernan, Key, McCreery, Maxey, Norwood, Randolph, Ransom, and Stevenson—15.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Bruce, Cameron of Pennsylvania, Clayton, Conover, Dawes, Dennis, Dorsey, Goldthwaite, Hamilton, Hamlin, Johnston, Jones of Florida, Jones of Nevada, McDonald, Merrimon, Morton, Robertson, Saulsbury, Sharon, Sherman, Thurman, Wallace, Whyte, Windom, Withers, and Wright—29.

So the amendment was ordered to be engrossed and the joint resolution to be read a third time.

Mr. EDMUNDS. Is it in order now to fix a time for the third reading? If it is in order, I move that the joint resolution be read the third time to-morrow at one o'clock.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the third reading be to-morrow at one o'clock.

Mr. SAULSBURY. I thought we had just voted on the third reading.

Mr. EDMUNDS. We have ordered it to be read the third time, and this is to fix the time when it shall be read the third time.

The PRESIDENT *pro tempore*. The motion is in order. The question is on the motion of the Senator from Vermont.

Several SENATORS. Let us have a division.

Mr. BOGGY. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. CONKLING. I wish to make a personal statement, if the Senate will allow me one moment. I have no objection, of course, to voting on this resolution to-morrow at one o'clock. I do not want, however, to give a vote which looks as if I was fixing a time when I should avoid the vote myself and it is absolutely impossible for me to be in the Senate to-morrow so early as that. If I do not vote to fix that time, it is only because I do not wish even to seem to fix an hour when I am certain not to be here myself to vote upon a matter which I am entirely willing and desirous to record myself upon.

Mr. EDMUNDS. I wish to make one remark in explanation of what the Senator from New York has referred to. I have made this motion, as I am frank to say, for the reason that the Senate is thin to-night, and I fear from the votes that the resolution may be lost on its passage, it requiring two-thirds. My object is to fix a time when if possible the Senate may be full and we can have a fair and full vote upon it. I am sorry that my friend from New York is obliged to be absent; but in order to defend this good amendment, as I believe it to be, to the best of my power, I make this motion.

Mr. SAULSBURY. I desire to say that I am opposed to fixing the hour, because that will necessarily cut off any debate, as I apprehend, and this is an important question.

Mr. EDMUNDS. Let me suggest to my friend that it does not cut off any debate. After the resolution is read the third time, the question of its passage is open.

Mr. SAULSBURY. If that is the case, I have no objection.

Mr. DAVIS. I believe it takes two-thirds to make a special order.

Mr. EDMUNDS. This is not a special order.

Mr. EATON. Under one view of the Constitution it would cut off debate; under another it would not; and my inquiry of the Chair is whether the vote was to be taken at one o'clock or whether action is to proceed at one o'clock to-morrow.

The PRESIDENT *pro tempore*. It will be open to debate.

Mr. EDMUNDS. When it has been read the third time.

Mr. EATON. I only desired to know what the motion was.

The PRESIDENT *pro tempore*. It is that the third reading be at the time named. After the third reading it will be open to debate on the passage.

Mr. EATON. I hope the call for the yeas and nays will be withdrawn.

Mr. DAVIS. I ask the Chair whether making a special order does not require two-thirds?

The PRESIDENT *pro tempore*. This, however, will not require two-thirds; it is not a special order.

Mr. EATON. May I ask the Chair if a majority vote carries it over until to-morrow?

The PRESIDENT *pro tempore*. It does.

Mr. EATON. I supposed so, and therefore I requested my friend who called for the yeas and nays to withdraw the call.

Mr. GORDON. I think that is a mistake, begging the pardon of the Chair and my friend from Connecticut. It seems to me the rule requires a two-thirds vote to make a special order.

Mr. EDMUNDS. We are not making a special order.

The PRESIDENT *pro tempore*. This is only to fix the hour when the resolution shall be read the third time, not to take up a proposition.

Mr. GORDON. Then I think that would require unanimous consent. However, I shall submit to the Chair.

Mr. EDMUNDS. It is the constant course of parliamentary law to fix the day for reading a bill, either one hour hence, or two hours hence when it is engrossed, or to-morrow, or any other time. It is the simplest motion ever heard of.

Mr. DAVIS. It occurs to me, without appealing from the decision of the Chair, that to name a time is fixing a time, and that would be to make this the special order to-morrow at one o'clock.

Mr. EDMUNDS. Perhaps we shall get two-thirds even on that view.

Mr. DAVIS. I should like to hear the rule read.

The Chief Clerk read as follows:

44. When an amendment to be proposed to the Constitution is under consideration the concurrence of two-thirds of the Senators present shall not be requisite to decide any question for amendments, or extending to the merits, being short of the final question.

Mr. DAVIS. Now the rule on page 140 of the Manual requires two-thirds to make a special order.

The PRESIDENT *pro tempore*. The Secretary will read that rule.

Mr. DAVIS. That is the rule I had reference to.

The Chief Clerk read as follows:

31. \* \* \* No bill, joint resolution, or other subject shall be made a special order for a particular day and hour without the concurrence of two-thirds of the Senators present.

Mr. EDMUNDS. You might as well hold that we cannot order a recess for to-morrow or anything else.

The PRESIDENT *pro tempore*. The Chair rules that this vote does not require two-thirds. The rule is specific in regard to amendments to the Constitution that all intermediate votes shall require but a majority.

Mr. DAVIS. The ruling is only as relates to constitutional amendments?

Mr. EDMUNDS. Does the Senator appeal from the decision of the Chair?

Mr. DAVIS. I will if the Senator desires me to do it.

Mr. EDMUNDS. Certainly, I wish him to very much.

Mr. DAVIS. Do I understand the ruling of the Chair to be only as regards amendments to the Constitution?

The PRESIDENT *pro tempore*. The Chair bases his decision upon that rule.

Mr. DAVIS. If it were not an amendment to the Constitution, then, the Chair would rule differently, am I to understand?

The PRESIDENT *pro tempore*. That is a supposititious case. The Chair does not rule on that.

Mr. DAVIS. I have a right to ask the Chair whether under the present rules ordinarily fixing the hour for business the Chair would so rule. The Chair can make answer as he thinks proper. If that is the ruling of the Chair, I have no disposition to appeal and I withdraw the appeal.

The PRESIDENT *pro tempore*. Does the Senator withdraw the call for the yeas and nays?

Mr. BOGGY. I have not withdrawn the call for the yeas and nays. My call for the yeas and nays was seconded and I insist on it.

Mr. RANSOM. I am not disposed to differ with the Chair; but if I understood the colloquy between the Senator from West Virginia and the Chair, this ruling of the Chair is based upon the rule with reference to the proceedings upon constitutional amendments. I infer, therefore, that the Chair holds that when a proposition to amend the Constitution is before the Senate the general parliamentary rules of the Senate are suspended and only the rule adopted by the Senate in reference to constitutional amendments is in force. Now, sir, with very great deference to the Chair I think that the rule requiring a two-thirds vote to make a special order is in force, to all intents, and purposes to the same extent when we are debating or proceeding upon a constitutional amendment as it is when any other matter is being considered; and that the rule first read by the Clerk from the desk, saying that it only requires a majority of the Senate to pass upon any amendment to a constitutional amendment or any matter short of the final question, merely meant to say that on all amendments to, on all intermediate motions relative to such a measure, two-thirds were not necessary. But that rule certainly did not intend, it could not have been contemplated by those who made it, that the general rule requiring two-thirds of the Senate to appoint the time for a special order was abolished. That could not be. The first rule read by the Clerk simply means that it shall not require a two-thirds vote to pass on preliminary motions or amendments to a resolution proposing a constitutional amendment, but it did not and could not mean to say that the standing rule of the Senate requiring a two-thirds vote to make a special order was therefore abolished as to all proceedings pending such a resolution.

The PRESIDENT *pro tempore*. The Chair will observe to the Senator from North Carolina that the rule is not confined to amendments, but extends to all questions save the final question on the passage of a resolution proposing a constitutional amendment. The rule is specific.



Mr. EATON. One word, Mr. President. Our rules provide:

When an amendment to be proposed to the Constitution is under consideration the concurrence of two-thirds of the Senators present shall not be requisite to decide any question for amendment, or extending to the merits, being short of the final question.

I think the Chair is entirely right. You may say it is in opposition to another standing rule, but this is a standing rule with reference to a particular matter, amendments to the Constitution. The words "extending to the merits," in my judgment, includes everything except the final question, and therefore I think, with great deference to my friend from North Carolina, that the Chair is entirely right in his ruling. I shall, therefore, sustain the ruling of the Chair in this particular.

Mr. RANSOM. I wish my friend would hand me his Manual.

Mr. HARVEY. Is there any question before the Senate? There has been no appeal.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered.

Mr. RANSOM. If the Senator from Kansas desires it I will appeal, in order that I may be heard, though I did not desire to do it.

The PRESIDENT *pro tempore*. The Senator from North Carolina appeals from the decision of the Chair.

Mr. EDMUNDS. I rise to a point of order. There has been one appeal from the Chair and it has been withdrawn. I submit there cannot be any more.

The PRESIDENT *pro tempore*. There has been no appeal withdrawn that the Chair knows of.

Mr. EDMUNDS. All right.

The PRESIDENT *pro tempore*. The Senator from West Virginia [Mr. DAVIS] said that he might be driven to an appeal, but he did not appeal.

Mr. RANSOM. I do not desire to take up the time of the Senate to-night, and I would say nothing further upon this question but for the error that I see my friend from Connecticut has fallen into.

Mr. EATON. Into or out of?

Mr. RANSOM. We shall see about that. I would be glad if the Clerk would read again the rule in reference to amendments to the Constitution.

The Chief Clerk read Rule 44, as follows:

44. When an amendment to be proposed to the Constitution is under consideration, the concurrence of two-thirds of the Senators present shall not be requisite to decide any question for amendments, or extending to the merits, being short of the final question.

Mr. RANSOM. If the Chair for a moment will give his attention to the language of that rule he will see that it is confined to the question of amendments, or questions extending to the merits. Now I ask does the motion to make this resolution the special order for to-morrow at one o'clock refer either to the amendment itself, or to any amendment to the proposition, or to the general merits? If the Senator from Connecticut can see in the motion of the Senator from Vermont to postpone the consideration of this question to, and make it the special order for, to-morrow at one o'clock, anything affecting the amendment itself, or any amendment to the proposition, or the general merits of the proposition, I must submit that I am in error. But I take it that the standing rule of the Senate requiring two-thirds of the Senate to appoint a special order operates as well with regard to proceedings on amendments to the Constitution as it does on any other legislation. Why, sir, suppose a bill to remove political disabilities was up to-day, requiring two-thirds to pass it on its final passage, and a motion was made to make that the special order for to-morrow, would the Chair rule that that motion did not require two-thirds? In an impeachment, which requires a two-thirds vote to convict, would the Chair say that because a majority could take some preliminary step in the proceeding it did not take two-thirds to make a special order in that case?

Mr. EATON. Will my friend permit me?

Mr. RANSOM. With great pleasure.

Mr. EATON. I think I have fallen out of and he has fallen into an error in this—

Mr. RANSOM. I see what my friend is going to say.

Mr. EATON. I think not.

Mr. RANSOM. I know so well what he is going to say that I desire my friend to stop from saying what he is going to say. I think he is going to say that proceedings in cases of impeachment are not exactly as they are in legislative business.

Mr. EATON. That was not what I was going to say at all.

Mr. RANSOM. I know that ought to have been what my friend would say.

Mr. EATON. What I was about to say was this, that the error my friend is falling into is that here are two absolute special rules; and there is one special rule applicable to all general matters it must govern; but where there is another special rule, that rule must govern without regard to the first rule.

Mr. RANSOM. Do I understand my friend from Connecticut to maintain here that when we are proceeding upon a constitutional amendment, the ordinary, the established rules of the Senate are suspended?

Mr. EATON. Certainly. If the rule is a special rule, that rule with regard to constitutional amendments suspends the others.

Mr. RANSOM. It cannot do it, Mr. President. The simple purpose of the rule which has been read by the Clerk was to guard the Senate

from falling into the error that it might require two-thirds to pass upon amendments to the general proposition, and nothing more. It meant to save us from that error, and not to say that the ordinary rules of the Senate should be suspended. I withdraw the appeal from the decision of the Chair.

Mr. GORDON. The Senator has appealed; I want to say a word. Mr. RANSOM. I will not withdraw it until I hear from the Senator from Georgia.

Mr. STEVENSON. Mr. President, what is the pending question? Mr. CONKLING. The appeal from the decision of the Chair.

I have very few words to say about this matter. The first thing I have to say is that I will never allow the interest I feel in a measure or the wish that it should be consummated or consummated quickly to induce me to consent to a violation of the rules of the Senate as I believe they are. I understand the present motion to be that on to-morrow at one o'clock this resolution shall be taken up and read the third time.

Mr. FRELINGHUYSEN. It has been.

Mr. CONKLING. I beg the Senator's pardon. I inquire of the Chair whether he is right or I am right? The Senator from New Jersey says it has been read the third time.

The PRESIDENT *pro tempore*. It has not been. It has been ordered to be read the third time, and the proposition is now to have it read the third time to-morrow at one o'clock.

Mr. CONKLING. In other words: A matter now pending in the Senate awaits its third reading. It is in order to read it a third time. The motion is that that third reading shall occur at a certain hour to-morrow. The effect of that motion is that at a certain hour to-morrow, without debate, a debatable question shall be decided. Now, Mr. President, in my judgment that is a violation of the rules of this body. There is no previous question here. There is no limit to debate upon a debatable question except the volition of the members of the Senate. The Senate may make a special order by a two-thirds vote. What is that? It is an order of the Senate, specially made, that at a certain hour a certain measure shall be taken up. Taken up with a denial of the right of debate? No, sir. Here is a rule which specifies what it means:

31. When the hour shall arrive for the consideration of a special order, it shall be the duty of the presiding officer to take it up, unless the unfinished business of the preceding day shall be under consideration.

Therefore when the Senate, by a two-thirds vote, under its rule, orders, and orders specially, that a given measure to-morrow at one o'clock shall become a special order, the whole effect of that is to direct the presiding officer then to take it up. Then it is debatable, as much as if it were taken up at any other time and in any other way.

Mr. HOWE. I wish to ask the Senator from New York if, after the Senate has ordered the third reading of a bill, debate is in order before that third reading is had?

Mr. CONKLING. Certainly not, if I understand how this question now stands. I may entirely misunderstand the whole thing.

Mr. EDMUNDS. Then it is debatable at this moment.

Mr. CONKLING. Certainly it is not.

Mr. EDMUNDS. What are you doing now? You are debating the point of order now.

Mr. CONKLING. Let me see whether the Chair and I are both wrong about this. I understand from Senators now that the vote has been taken on ordering this resolution to a third reading.

The PRESIDENT *pro tempore*. It has been.

Mr. CONKLING. What is the reason then that the third reading has not been ordered?

The PRESIDENT *pro tempore*. The Senate have ordered the third reading, and the Senator from Vermont has moved that the third reading shall take place to-morrow at one o'clock.

Mr. CONKLING. But has the third reading been ordered?

Mr. EDMUNDS. Yes, sir.

Mr. CONKLING. Then I have been wrong in very much that I have been saying, and I have no excuse to submit for it except that when my friend from New Jersey corrected me, (and he was quite right and I was quite wrong,) I asked the Chair whether this resolution had been ordered to a third reading and the Chair said "no," as I understood.

The PRESIDENT *pro tempore*. The Chair understood the Senator from New York to ask whether it had been read a third time, and the Chair answered "no."

Mr. CONKLING. Ah, that is the distinction. Then I was quite mistaken. Now let me correct myself. If the Senate has voted that this resolution shall be read the third time, the Senator from Vermont is quite right, his idea being that no debate is in order until it is read the third time.

Mr. DAVIS. Or any other business.

Mr. CONKLING. No, sir, not as I understand it. It is in order for any Senator to move that the Senate adjourn, it is in order to make a motion for a recess or to go into executive session, that the bill be indefinitely postponed or postponed to a day certain. Thinking the Senator from Vermont had moved that its third reading be postponed to a day certain, I arose to address the Chair, but it entirely saves me from the very great discomfort I have had in supposing that we were likely to do a thing which to me was not warranted by the rule. I supposed the motion was to postpone the third reading of the bill, there-



by meaning that the bill be read at one o'clock, and that then that motion, confessedly debatable in itself, should be taken up without debate, and the Senate proceed to vote upon it. I find I am entirely mistaken and I wish to withdraw whatever I have said.

Mr. BOGY. Will the Senator permit me to ask him a question? From the statements which have been presented by himself it will require a two-thirds vote to postpone this until to-morrow.

Mr. CONKLING. I do not think so, because I do not understand the motion to be that it be made a special order. Were that the motion it would undoubtedly require a two-thirds vote, but the motion is simply that it be postponed from this hour on this parliamentary day until one o'clock on the next parliamentary day, and that the next step, to wit, the Secretary rising and reading it the third time, shall not take place until then. That I think is a motion to postpone, and I have no doubt a majority is competent to postpone it.

Mr. BOGY. But it is to make it a special order.

Mr. CONKLING. No, sir; I do not understand that to be a special order.

Mr. GORDON. If I understand the reading of these rules at all, the effect of this vote is to make the resolution the special order for 1 o'clock to-morrow. Our rules provide:

When two or more subjects shall have been specially assigned for consideration, they shall take precedence according to the order of time at which they were severally assigned.

It occurs to me if this vote shall be had and this resolution shall be ordered to be read a third time to-morrow at one o'clock, it takes precedence at that hour over all other orders, and therefore is a special order. What is a special order except an order which shall be considered at the hour specified? Special order means an order specified according to the hour at which the vote of the Senate shall be taken. If we determine here to-night that this resolution shall be read at a specific hour, what else have we done but made it the special order for that hour? I confess that I am unable to understand this rule as meaning anything short of that or anything beyond it. What is the rule as to special orders?

No bill, joint resolution, or other subject shall be made a special order for a particular day and hour—

For a particular hour—

without the concurrence of two-thirds of the Senators present.

This is a joint resolution. It is proposed to make it a special order, because the reading of it is to take precedence at one o'clock to-morrow over everything else that may be then before the Senate. As to the qualification which my friend from Connecticut [Mr. EATON] thinks is put upon that general rule by the rule in reference to amendments to the Constitution, let me say one word:

When an amendment to be proposed to the Constitution is under consideration the concurrence of two-thirds of the Senators present shall not be requisite to decide any question for amendments, or extending to the merits, being short of the final question.

If a motion to make this the special order for to-morrow or to have this to go to the third reading at one o'clock to-morrow changes in any respect this amendment to the Constitution, if it makes it less effective, if it makes it broader in its application to schools, if it looks to the merits of the resolution in any direction, then certainly my friend from Connecticut and the Chair would be correct, in my judgment; but is it possible for the Senate to construe the motion of the Senator from Vermont to fix one o'clock to-morrow as looking to the merits of this question? Not by any means. It is nothing more nor less, if language means anything, than fixing this amendment to the Constitution as a special order for one o'clock to-morrow; and the motion does not look to any extent to the merits of this question.

I trust the Senate will not commit, as I consider, one of the most grievous blunders we can possibly make, in overriding one of the established rules of the Senate in order to accomplish this purpose.

Mr. EDMUNDS. For one I do not wish to override the established rules of the Senate to accomplish any purpose, much less this one, because a purpose so good and beneficent as this ought not to depend upon any devious methods. If I could be tempted to override a rule of the Senate it would not be on a measure like this. But I respectfully submit, and I am going to be very brief, that my friend from Georgia misapprehends the question, and if he will give me the honor of hearing me, I think I can convince him of it.

Mr. GORDON. With great pleasure.

Mr. EDMUNDS. If we had a public library where sectarian teaching did or did not exist, that was lighted so that we could have it open in the evening and get out books when we sit evenings, I think I should be able to convince my friend from Georgia and everybody else by authority that this is a perfectly parliamentary motion to make, one of ordinary and frequent practice in parliamentary bodies, and that it is not a special order in the sense of the rules at all. The parliamentary law is, according to my recollection, but I cannot prove it at this moment, for the reason that I have stated, and I speak with some confidence, that a bill having gone to the stage of being ordered to be read a third time, then it may be read the third time at that moment, as is usually the motion in the House of Representatives, that it be read the third time now. When no other motion intervenes it is taken for granted here always that the bill is read the third time when it is ordered to be read a third time. The Senate has made that order already. The question is, when shall the order be executed? It may be executed now or at any other time the Senate fixes for doing

the particular thing that it has ordered it will do. It has already ordered that this resolution shall be read a third time. It has not ordered that it shall be considered, but that a simple act about it, a parliamentary act which it has ordered, a lawful act, shall take place. Then the question is when? Somebody says "now," in a parliamentary body. Somebody says "two hours hence;" somebody says "to-morrow." Sometimes they frequently say in Parliament "this day week," which is a very common motion. That being the state of the parliamentary law, of course it is perfectly in order to fix a time.

My friend's only difficulty then, if I understand him, is that that makes it a special order within the meaning of the rules. The rules have grown up with this parliamentary law and usage, which was perfectly well understood and fixed; and the Senator on inquiring even of persons now present who have long been in the executive offices of the Senate will ascertain that in not very old times it used to be a common practice not to read the bill a third time at the moment, but lay it aside and read it afterward at some convenient time, the next day or whenever it might happen, with this rule for a special order standing just as it does now. I think my friend's mistake is that he forgets that proceeding to the consideration of a bill not before the Senate, to take it up, to go on with it, making it a special order to supersede other business, is one thing, while when you have a bill under consideration, having ordered already that a particular thing shall be done with it, merely fixing the time when that order shall be executed, is just like fixing the time when any other order of the Senate may be executed, as we, I suppose, everybody will agree, without a two-thirds vote may order that to-morrow at one o'clock we shall take a recess for one hour, or make any other order respecting the course of our proceeding, make the order now and fix the time and the circumstances that order shall be executed. That is my opinion. I believe it has been the practice whenever it was convenient to have it the practice with this rule, and I think it was never understood before that it violated it.

The first point that was made about its not being a motion that could be made as cutting off debate has already been disposed of, because it does not cut off debate, because the resolution is not debatable now until it is read the third time. It is merely fixing the time when its third reading shall take place, and then the question of passage is open to debate.

Mr. HOWE. I understand the Senator from Vermont to distinguish between this vote and a vote making a special order of the consideration of a bill or resolution. If it were the latter, if it were making a special order, then whether it should be executed to-morrow at one o'clock would depend upon the question whether there was unfinished business before the Senate or not; but if I understand the Senator, if the Senate directs by a majority vote that this resolution have its third reading to-morrow at one o'clock, that order must be executed to-morrow at that time, no matter what may be the state of business before the Senate.

Mr. EDMUNDS. That is what I think.

Mr. HOWE. I am not prepared to controvert that view of the case. If that is the true view, then unquestionably the ruling of the Chair is right.

Mr. RANSOM. I must again ask pardon of the Senate for taking up so much of its time upon this matter; but I cannot help feeling concerned upon any question that touches an amendment to the Constitution. I confess I feel serious as soon as any amendment to the Constitution is read. I understood the Senator from Vermont to say that as this proposition had been ordered to a third reading, it was then in the power of the Senate by a bare majority to postpone the consideration of the vote upon the question to any future hour.

Mr. EDMUNDS. No, sir; I did not say that at all.

Mr. RANSOM. Then I misunderstood the Senator.

Mr. EDMUNDS. I said, and I repeat, exactly this, and I state the proposition with as much precision as I am capable of, that the Senate having ordered that this resolution be read a third time, it is competent for a majority of the Senate to fix the day, hour, minute, and second at which that order shall be executed; that is all.

Mr. RANSOM. That is what I intended to say was the position of the Senator from Vermont. Now, if that be so, I desire to know what there is in the proposition ordering a bill to a third reading materially different from any other proposition before the Senate. To have a vote taken to-morrow at one o'clock would be a special order. If the motion had been made in so many words by the Senator from Vermont or by any other Senator to make this question the special order for to-morrow at one o'clock, that would be a special order and it would require a two-thirds vote. "But," says the Senator from Vermont—I do not profess to quote his language, but I think I give the substance of his remark—"this proposition having been ordered to a third reading, I can accomplish the purpose by a different motion; I can practically secure a special order; I can rule that the vote on this question shall be taken to-morrow at one o'clock, and while that motion has all the effect of a special order, while it gives this proposition precedence over every other question before the Senate to-morrow at one o'clock, while it virtually makes it a special order, simply because the Senate has ordered it to a third reading, the rule is changed and it only requires a majority." Is there any difference in this respect between a measure being ordered to a third reading and occupying any other position before the Senate? Is there any difference between



a proposition that a bill shall be ordered to a third reading to-morrow at one o'clock and a proposition to take up any other question at that time? Is there any special privilege, is there any special character, is there any extraordinary dignity attached to the motion ordering a bill to its third reading that gives it a different character from any other proposition before the Senate? Will the Senator from Vermont say that it is because the resolution has been ordered to a third reading, and debate is stopped, and it is not debatable? Suppose a motion had been made to lay this resolution on the table. That would stop debate. Suppose then a motion had been made to take the vote to-morrow at one o'clock, would it not have been a special order? Unless the Chair can decide that a motion that a bill be read the third time is a different motion, a different proceeding from any other one within the rules of the Senate, I do not see how this proposition can be passed without a vote of two-thirds of the Senate.

Mr. NORWOOD. I invite the attention of the Senator from Vermont to Rule 31:

When the hour shall arrive for the consideration of a special order, it shall be the duty of the presiding officer to take it up, unless the unfinished business of the preceding day shall be under consideration.

I desire to ask the Senator from Vermont if his motion is carried into effect, when the hour of one o'clock arrives to-morrow under what rule will his motion take effect? Will it be by virtue of the resolution having been made a special order? If not, under what rule and how will the Senate proceed to consider it?

Mr. EDMUNDS. Under precisely the same rule that to-morrow at one o'clock, if it is so ordered to-night, we shall take a recess for fifteen minutes.

Mr. NORWOOD. That is one thing; that is not legislation. These rules apply to legislation, and the honorable Senator cannot draw the analogy between that case and his resolution. They apply to the consideration of bills or of joint resolutions, because the rule applies to bills or joint resolutions, or other subjects-matter of legislation. I will ask the Senator from Vermont, if he will give me his attention again, would the Chair call up this matter to-morrow as a special order to be considered by the Senate?

Mr. EDMUNDS. What the Chair would do undoubtedly would be what he always does, and that is to execute the order of the Senate. I have no doubt the Chair would say, "The hour having arrived at which this resolution was ordered to be read a third time, that order will be executed," and then it would be read the third time.

Mr. NORWOOD. Would that take precedence of any other business at that time, and if so, by virtue of what rule? It would not come under any rule that made it a special order; the Senator admits that. I want to know by what rule that order would then take precedence before any other business before the Senate? Where is the general parliamentary rule? We are proceeding under special standing rules, and we are considering standing rules. We have standing rules, and we have standing rules that apply to this very case. The standing rule here is that—

No bill, joint resolution—

Which is this case—

or other subject shall be made a special order for a particular day and hour—

Which is the motion of the Senator from Vermont—

without the concurrence of two-thirds of the Senators present.

If that is not a special order under Rule 31, which it would be the duty of the Chair to call up when the hour of one shall arrive to-morrow, under what standing rule of the Senate will the Chair proceed to call it up? Is there any general parliamentary rule, as suggested by the Senator from Connecticut, which overrides a standing rule of the Senate? The standing rule requires the Chair to call up a special order at a given hour. The Senator from Connecticut says that the general parliamentary law would regulate it; in other words, that the standing rule shall give way to a general rule. I think that the Senator from North Carolina is entirely correct, that, this being a joint resolution, if we propose to fix a particular day and hour for its consideration, that is a motion to make it a special order which requires the concurrence of two-thirds of the Senators present to do it. As was said by my friend, this motion does not affect any amendment to this resolution, nor does it affect the merits of the question, as is provided for under Rule 44. I cannot see why this will not be a special order, and if it be a special order it will be the duty of the Chair to call it up at the hour named to-morrow; and under Rule 31 it will take precedence of all other business.

Mr. FRELINGHUYSEN. I call the attention of the Senator from Georgia to Rule 11, on page 133 of the Manual:

When a question is under debate, no motion shall be received but—

To adjourn;

To proceed to the consideration of executive business;

To lay on the table;

To postpone indefinitely;

To postpone to a day certain.

This last is one of the motions that is in order, and certainly it does not require anything more than a majority.

Mr. RANSOM. Will the Senator from New Jersey hear me for a second? If this was a motion to postpone to a day certain, without giving to that motion, as I understand the Senator from Vermont does give to it and the Chair gives to it, the character of a special order, then there could be no controversy about a bare majority being

sufficient to carry it; but as I have understood the Senator from Vermont and as I have understood the Chair, it has been insisted that while this was not a special order, still to-morrow it would take precedence of every other motion and have to be voted on at one o'clock.

The PRESIDENT *pro tempore*. The Chair will correct the Senator so far as the Chair is concerned. The Chair has not stated that this would be in the light of a special order.

Mr. RANSOM. If the Chair had stated in the beginning that this was simply a motion to postpone until to-morrow, and that then the resolution would take its ordinary fate in the proceedings of this body, I should not have appealed from the decision of the Chair, for that was the manifest decision.

The PRESIDENT *pro tempore*. The Chair will say to the Senator from North Carolina that the Chair took particular pains, as the Senator from West Virginia will remember, and did not rule on a suppositions case. The Chair ruled upon the rule bearing upon constitutional amendments. The Chair has in no instance, as the official report will verify, characterized this as a special order. This is executing an order of the Senate, a postponement of the third reading of this resolution. The Senate has to-day ordered the third reading, and the Senator from Vermont has moved to postpone its third reading until one o'clock to-morrow.

Mr. HOWE. I am satisfied, upon looking at Mr. Cushing's treatise, that this motion is not a motion to make a special order. Mr. Cushing says:

2210. The motion that the bill or the bill with the amendments, as the case may be, be engrossed, may be made immediately upon the conclusion of the proceedings on the report or afterward, as may be convenient. On this motion the merits of the bill may be discussed; and if it is negatived the bill is lost; if decided in the affirmative, it may be followed up by a motion for the third reading of the bill, on a particular day, or on a particular day if then engrossed.

2214. The order for the engrossment of a bill is sometimes in the simple form that the bill be engrossed; sometimes it is accompanied by an order for the third reading; sometimes for the third reading on a particular day; or on a particular day if the bill should then be engrossed. If no order is made as to the time for the third reading it may take place as soon as the bill is engrossed; if the time has been fixed the third reading is an order of the day for the day so agreed upon, and to be proceeded with accordingly.

2215. The next step to be taken after the engrossment or after the report, or proceedings on the report, of a bill already engrossed, is the third reading. If a bill from the other House is reported from the committee without amendment, being already engrossed, it may be read a third time immediately, or it may be ordered to be read a third time, without any time being fixed therefor; or the time may be fixed for a future day. If a bill from the other House is reported from the committee with amendments, the same proceedings may take place upon it with reference to a third reading, at the termination of the proceedings upon the report.

In the House of Representatives of the United States it appears to be the custom to engross bills in advance of their being ordered to be engrossed; and if a bill happens to be thus engrossed, it may be read a third time immediately; otherwise this motion—

That is, if it is not already engrossed—

except in the case of a bill from the other branch—which is already engrossed—is not in order; nor, without a suspension of the rules, can an unengrossed bill be read a third time.

2217. When a time has been previously fixed for the third reading, the third reading becomes an order of the day for the day appointed, and is proceeded with accordingly. (Cushing's Law and Practice of Legislative Assemblies, pages 858-861.)

The PRESIDENT *pro tempore*. In that connection the Chair will state to the Senator from Wisconsin that the practice is to state that a bill being ordered to be engrossed and read the third time will be read the third time, not waiting for the formal engrossment. That has been the practice, and therefore it comes within the rule.

Mr. EDMUNDS. By unanimous consent that is done.

The PRESIDENT *pro tempore*. That is done by unanimous consent. The actual engrossment is scarcely ever required.

Mr. EDMUNDS. What is the pending question?

The PRESIDENT *pro tempore*. Does the Senator from North Carolina appeal from the decision of the Chair?

Mr. RANSOM. Understanding now that the Chair considers this as a simple motion to postpone until to-morrow at one o'clock, without giving the resolution the character of a special order at that hour, I withdraw the appeal, because from that ruling I never would have dissented if I had understood it so.

The PRESIDENT *pro tempore*. The Chair will state that the reporter's notes will verify what he now says.

Mr. RANSOM. I will not doubt it.

The PRESIDENT *pro tempore*. The Chair was very particular to state it. The record will show that the Chair is correct.

Mr. RANSOM. I understood the Chair to rule differently.

Mr. FRELINGHUYSEN. Is there anything before the Senate?

Mr. EDMUNDS. What is now the pending question? My motion, is it not, the appeal being withdrawn?

The PRESIDENT *pro tempore*. The appeal is withdrawn, and the Chair rules that the motion is in order.

Mr. EDMUNDS. I ask that my motion be put.

The PRESIDENT *pro tempore*. The motion is that the third reading of the bill be fixed for to-morrow at one o'clock.

Mr. BOGY. I had called for the yeas and nays on that motion, and as no notice was taken of it some mistake must have been made.

The PRESIDENT *pro tempore*. The question is on postponing the third reading of the joint resolution until one o'clock to-morrow.

Mr. BOGY. I called for the yeas and nays awhile ago and the de-



mand was sustained. The Chair, for some reason which I cannot explain, (and there is no reflection at all upon the Chair,) put the vote without regarding that order; and the same thing is now being done again. Therefore as a matter of right, as a Senator on this floor, I again call for the yeas and nays.

The PRESIDENT *pro tempore*. The Chair will simply say that there has been so much intervening since that the Chair lost sight of it, as he did before, supposing the Senator had withdrawn the call but found he did not. The Chair will now put the question and the roll-call will proceed. Shall the third reading of this resolution be postponed until to-morrow at one o'clock?

Mr. CONKLING. I ask leave to state that the Senator from Kentucky [Mr. McCREERY] has been kind enough to pair with me, and the Senator from Massachusetts [Mr. BOUTWELL] unites with me in pairing with the Senator from Kentucky, so as to make the pair even to take effect to-morrow at one o'clock, if I am not able then to be in the Senate. The Senator from Massachusetts and myself would vote "yea" on the resolution, and the Senator from Kentucky would vote "nay."

The question being taken by yeas and nays, resulted—yeas 28, nays 12; as follows:

YEAS—Messrs. Allison, Anthony, Booth, Boutwell, Cameron of Wisconsin, Christiancy, Clayton, Conkling, Cragin, Dawes, Edmunds, Ferry, Frelinghuysen, Harvey, Hitchcock, Howe, Ingalls, Logan, McMillan, Mitchell, Morrill, Oglesby, Paddock, Patterson, Sargent, Spencer, Wadleigh, and West—28.

NAYS—Messrs. Boggy, Cockrell, Cooper, Davis, Gordon, Kelly, Kernan, Key, McCreery, Maxey, Ransom, and Stevenson—12.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Bruce, Burnside, Cameron of Pennsylvania, Conover, Dennis, Dorsey, Eaton, Goldthwaite, Hamilton, Hamlin, Johnston, Jones of Florida, Jones of Nevada, McDonald, Merrimon, Morton, Norwood, Randolph, Robertson, Saulsbury, Sharon, Sherman, Thurman, Wallace, Whyte, Windom, Withers, and Wright—31.

So the motion of Mr. EDMUNDS was agreed to.

#### ORDER OF BUSINESS.

Mr. SARGENT. Mr. President—

Mr. FRELINGHUYSEN. I rise to suggest to the Senator from California that it is now quite late for him to take up his bill. The other day the Senator from Ohio [Mr. THURMAN] called up the election law and it was informally laid aside in order that an amendment might be prepared. I would suggest to the Senator from California that that subject be taken up now and disposed of. It has already been fully debated and I do not suppose it will lead to any discussion. If it shall, it shall not interfere with the Senator's bill.

Mr. SARGENT. If the Hawaiian bill remains the unfinished business for to-morrow, I am willing that the other matter shall go on to-night.

Mr. LOGAN. I object to any bargain being made. I have another matter to bring up.

Mr. SARGENT. I will refer the Senator from New Jersey to the Senator from Illinois. I cannot yield.

Mr. FRELINGHUYSEN. I can get along with him very well.

The PRESIDENT *pro tempore*. The Senator from California asks unanimous consent that the Hawaiian bill be considered the unfinished business for to-morrow.

Mr. PATTERSON. I object.

Mr. SARGENT. Then I move to take up the bill now.

Mr. WEST. Is a motion to adjourn in order?

Mr. SARGENT. Not while I have the floor.

Mr. WEST. You cannot keep the floor while the Chair is putting the motion.

The PRESIDENT *pro tempore*. The Senator from California has made his motion.

Mr. SARGENT. I wish to make a statement in reference to this matter, as to the position of it, and would have interrupted the Chair to do so if it were allowable.

The position of the bill is this: A motion was made when this bill was reported from the Committee on Foreign Relations to refer it to the Committee on Finance. I understand that motion will not now be pressed. That motion was made and carried in my absence. When I came into the Senate I found it had been done, and I at once entered a motion to reconsider. The matter which I wish to take up is the motion to reconsider and have it disposed of, so as to bring the bill before the Senate. Therefore the motion which I want to bring up is my motion to reconsider the vote by which the bill was referred to the Committee on Finance.

Now, Mr. President, I want to appeal to the generosity of the Senate on behalf of the people of the Pacific coast that this measure be acted on. I know the Senator from Louisiana is opposed to the bill. I know that he wants to debate it, and beat it if he can. That is fair warfare. I will not complain of that; but I do say that after I have stood here for several weeks and asked that I might have a hearing on this matter, when telegrams come from business men on our coast stating that the suspense is ruining them, it is mere fairness that the matter should be considered. Let those who are opposed to it vote against it; let those who desire to speak against it so speak; but I do ask that the measure be heard.

I should like to make one other remark personal to myself. For at least three weeks of this session I have been out of the Senate during its business hours busy with your work, almost like a slave, upon committees of conference; and it seems to me that during the few brief hours that I have now before I am compelled to go into commit-

tee again, I might have the indulgence of having this matter considered.

I put it upon personal grounds; I put it furthermore on the interests of our coast, which are jeopardized by this delay. I am simply asking for an opportunity to be heard. The executive department negotiated this treaty with the authorities of the Sandwich Islands. It was ratified by the Senate. The House of Representatives has passed the appropriate legislation and it is here before us. The Parliament of Hawaii have passed that legislation. The treaty has been proclaimed by both powers. Now all that remains is that the Senate carry out the promise that it seemed to imply when it ratified the treaty by the adoption of this legislation. If the Senate shall have changed its mind and thinks there is no obligation on it to stand by that action, I can only acquiesce, and my people of course will have to submit in silence, and I believe they will submit respectfully; but it is better for them, as I said this morning, that the matter be disposed of, even if the bill be defeated, than to have it hanging over their heads, unsettling their business interests, and making every man uncertain what he ought to do with regard to his business.

Now I appeal to the Senator from Louisiana or any other Senator to not by a motion to adjourn or otherwise cut off an opportunity to have this heard, that he do not insist upon that course, but allow the matter to be taken up and disposed of.

Mr. LOGAN. I think we might possibly make an arrangement to which all the Senators present would agree. I have no objection to the Senator's bill being taken up; I am for the bill, and shall vote for it; but I can say the same that has been said by the Senator in reference to my efforts in regard to another bill. I have asked for two months a vote on a bill in the Senate, and when the Senate reconsiders this proposition that the Senator from California desires to take up to-morrow, and I will aid him to take it up to-morrow, I will ask the Senate as I did to-day to vote on the bill to which I refer. I want to say now to Senators on both sides that we ought at least to have an opportunity of voting and recording ourselves either for or against this bill that was denominated this morning by the Senator from Vermont [Mr. MORRILL] as a bill in such condition that it could not be licked into shape, that could not be arranged, prepared, fixed in such shape as that the Senate ought to vote on it. It is House bill No. 58, known as the bounty bill.

I desire to say that on both sides of this Chamber if men are held by any obligations, although it is not a political measure, both political parties of this country have pledged themselves time and again in their platforms, which seem to be nought but things made to be spit upon, that they would give to the soldiers of this country that which was given them by the laws of the country. Both parties have said that. Five times this bill has passed the House of Representatives, four times a republican House, and once it passed both Houses and was vetoed. It now has been passed by one branch of Congress and is waiting the assent of the other. I do say to Senators on both sides, Senators who have stood here and spoken of the rights of persons and claimants that were entitled to money from the Government who have been deprived of it by non-action on the part of the Congress of the United States, that it is a duty we owe to these men to vote on this bill; I do not say to pass it, to vote but either for it and let it become a law, or against it so that it will not become a law, and let them know it.

This bill provides for the payment to the soldiers of the late war of that which the laws of the United States promised them should be paid, but, as I said to-day, by certain orders in reference to their muster-out, they were deprived of that which they were entitled to under the laws of Congress. I want to appeal to the Senate of the United States whether the argument that has been made against this bill on account of the amount it will take out of the Treasury in the next seven or eight years—for it will take that long probably for all to be paid—is a good argument provided the claim is honest? I have heard the argument made here where large amounts were claimed for the loss of property that the Government justly owed the money; that it was repudiation of its honest debts if it failed to pay. Now I say it is repudiation on the part of the Congress of the United States of that which it honestly owes to the defenders of this country unless we pass this bill and pay them what we promised to pay them.

This is all I have to say, except to make a motion that the Senate take up this bill and act on it, House bill No. 58, commonly known as the bounty bill, and I ask a vote of the Senate.

The PRESIDENT *pro tempore*. The motion of the Senator from California has been made and takes precedence.

Mr. LOGAN. No, sir; his motion was to reconsider.

Mr. SARGENT. My motion was to take up the motion which I entered the other day to reconsider the vote by which the Hawaiian bill was referred to the Committee on Finance. That brings the bill before the Senate by the reconsideration taking place, and I am informed by the Senator from Vermont who made the motion to refer, [Mr. MORRILL] that he does not intend to press it.

Mr. LOGAN. I am willing, as far as I am concerned, that the vote may be considered reconsidered.

Mr. GORDON. I think it is very clear that we shall not do any business to-night. I move, therefore, that the Senate adjourn.

Mr. ANTHONY. Will the Senator allow me to move an executive session?

Mr. GORDON. Certainly.



Mr. WINDOM. Will the Senator from Georgia yield to me to make an informal report from a conference committee?

Mr. GORDON. I have yielded to the Senator from Rhode Island.

Mr. ANTHONY. I will yield to the Senator from Minnesota.

Mr. WINDOM. I present a report from the committee of conference on the Indian appropriation bill.

Mr. SARGENT. What is the pending motion?

The PRESIDENT *pro tempore*. If there is objection, the Senator from California has moved to take up the motion to reconsider—

Mr. PATTERSON. There is objection.

The PRESIDENT *pro tempore*. There can be no objection to that. The Senator from California asks a vote on his motion. The Senator from Georgia moved to adjourn, but yielded to the Senator from Rhode Island, and the Senator from Rhode Island yielded to the Senator from Minnesota.

Mr. LOGAN. If the Senator from Georgia after he made his motion yielded, he has lost the floor.

The PRESIDENT *pro tempore*. So the Chair is ruling.

Mr. LOGAN. I ask the Senate—

The PRESIDENT *pro tempore*. He yielded to the Senator from Rhode Island, and the Senator from Rhode Island yielded to the Senator from Minnesota, and the Senator from Minnesota rose not to a privileged motion. He presents a report of a conference committee.

Mr. ANTHONY. If we are going into this kind of tactics I renew my motion that the Senate proceed to the consideration of executive business.

Mr. SARGENT. I ask the Senator from Rhode Island to withdraw that motion.

Mr. ANTHONY. I would withdraw it, but the Senator from Illinois, if I withdraw it, says I have yielded the floor, and he brings up his motion.

Mr. SARGENT. But I have not yielded the floor on my motion.

Mr. LOGAN. I did not bring in any motion, but I said the Senator had yielded the floor.

Mr. ANTHONY. Informally for a conference report.

Mr. LOGAN. But "informally" is not allowable.

Mr. ANTHONY. If we are going on strict parliamentary law I shall move an executive session; but I am willing to have the vote taken on the motion of the Senator from California if the Senator from Georgia is willing.

Mr. GORDON. That cannot be had without debate.

Mr. SARGENT. We can vote down the motion to adjourn and the motion for an executive session.

Mr. PADDOCK. Who holds the floor?

The PRESIDENT *pro tempore*. The Senator from California moved to take up the motion to reconsider the reference of the Hawaiian bill, pending which the Senator from Georgia moved to adjourn; he withdrew that motion and yielded to the Senator from Rhode Island, and the Senator from Rhode Island yielded to the Senator from Minnesota. Objection being made to the request of the Senator from Minnesota, thereupon the Senator from California insisted on his motion, but his came first. Therefore the motion of the Senator from California is pending unless the Senator from Rhode Island—

Mr. ANTHONY. I took the floor by consent of the Senator from Georgia to make a motion to go into executive session. If I cannot make that motion I will yield to him to make a motion to adjourn.

Mr. LOGAN. I rise to a question of order.

The PRESIDENT *pro tempore*. The Senator will state his question of order.

Mr. LOGAN. I will state it. It is that when the Senator from Georgia yielded the floor he lost the floor.

The PRESIDENT *pro tempore*. The Chair has so ruled.

Mr. LOGAN. And when the Senator from Rhode Island yielded the floor, he also lost it.

The PRESIDENT *pro tempore*. So the Chair has ruled.

Mr. LOGAN. Then I insist that another Senator had the floor, addressed the Chair, was recognized, and that the Senator from Rhode Island cannot now make his motion.

The PRESIDENT *pro tempore*. The Chair stated that the motion of the Senator from California was in order unless there was some privileged motion which cut it off.

Mr. SARGENT. I hope we may have a vote.

Mr. GORDON. Is not the motion of the Senator from Rhode Island a privileged motion?

The PRESIDENT *pro tempore*. The Senator from Rhode Island yielded. If he makes the motion the Chair will entertain it.

Mr. ANTHONY. I had no right to yield the floor except that I did so in accordance with that courtesy which is always extended to a report from a committee of conference; but I took it by the assent of the Senator from Georgia, who moved to adjourn and agreed that I might substitute the motion to go into executive session. If I cannot have that motion put, then I must yield the floor to my friend from Georgia to make his motion to adjourn, which I hope will be voted down, and that then we shall go into executive session. We ought to have an executive session this evening.

The PRESIDENT *pro tempore*. The Chair following the practice referred to recognized the Senator from Minnesota; but objection was made, and it became the duty of the Chair before he recognized the—

Mr. WINDOM. I ask consent to make a very brief statement for a moment.

The PRESIDENT *pro tempore*. Now the Senator from Rhode Island, as the Chair understands, asks that he may surrender to the Senator from Georgia. Is there objection?

Mr. LOGAN. Surrender what?

The PRESIDENT *pro tempore*. The motion to go into executive session.

Mr. LOGAN. I understand the rules of this Senate to give the floor to the Senator who addresses the Chair.

The PRESIDENT *pro tempore*. The Chair asked if there was objection. The Senator from Illinois objects. The Chair will now put the question.

Mr. LOGAN. I made no objection; I merely asked that the rule be enforced.

The PRESIDENT *pro tempore*. The Chair recognizes the Senator from California, who moves to take up a motion to reconsider the vote on the Hawaiian treaty bill.

Mr. HITCHCOCK, (at ten o'clock p. m.) I move that the Senate do now adjourn.

Mr. ANTHONY. Now, if the Senator will allow my motion to go into executive session, I will not yield the floor to anybody.

Mr. HITCHCOCK. I yield.

Mr. ANTHONY. I move that the Senate proceed to the consideration of executive business.

Mr. SARGENT. I hope that will be voted down.

The PRESIDENT *pro tempore*. The Senator from Rhode Island moves that the Senate proceed to the consideration of executive business.

Mr. ANTHONY. There ought to be an executive session this evening.

Mr. SARGENT. I think we can have an executive session; but I insist on my rights first.

The motion was not agreed to; ayes 15, less than a majority of a quorum.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from California to proceed to the consideration of the motion to reconsider the vote on the Hawaiian treaty bill.

Mr. NORWOOD. I ask the Senator from California if he proposes to go on with that to-night?

Mr. SARGENT. I am not particular about it. I want it taken up.

Mr. NORWOOD. The Senator simply wants the reconsideration ordered now?

Mr. SARGENT. I want to reconsider the vote and leave the bill pending as the unfinished business.

Mr. MORRILL. I suggest to the Senator from California that he simply move to discharge the Committee on Finance and withdraw his motion to reconsider.

Mr. SARGENT. I am not particular; any way to bring the bill before the Senate.

Mr. MORRILL. It never has been considered by the Committee on Finance, though we have had ample time to do it, because the motion to reconsider had been entered.

Mr. SARGENT. I will put it in that shape.

Mr. MORRILL. I regret very much the committee has not had the bill under consideration, because I think there are some amendments the committee would undoubtedly have reported.

The PRESIDENT *pro tempore*. Does the Senator from California change his motion.

Mr. SARGENT. I do not see the particular parliamentary point, but I suppose discharging the committee will answer the same purpose, and I will make that motion, if the Senator prefers that course.

The PRESIDENT *pro tempore*. The Senator from California moves that the Committee on Finance be discharged from the further consideration of the Hawaiian treaty bill.

The motion was agreed to.

#### THE HAWAIIAN TREATY.

Mr. SARGENT. Now I move that the bill (H. R. No. 612) to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875, be considered.

The PRESIDENT *pro tempore*. The committee have been discharged, and the bill is before the Senate.

Mr. LOGAN. I move to make the bill—I believe that is in accord with the wishes of the Senator—the special order.

Mr. SARGENT. No, that would be set aside by unfinished business. I am satisfied with the position of the bill now.

Mr. LOGAN. Well, then, I move to take up House bill No. 58.

Mr. SARGENT. That would set aside this bill.

Mr. LOGAN. I know that; if you are not going on with it that is what I propose to do.

Mr. SARGENT. I do not wish to violate any understanding. The Senator from Georgia [Mr. NORWOOD] asked me a question, to which I replied that I was willing that this bill should go over as the unfinished business to to-morrow.

Mr. WEST. I rise to a point of order that this having now been reported by a committee to-day, or rather the committee having been



just discharged, which is equivalent to a report, its consideration is not in order if a single objection is raised.

The PRESIDENT *pro tempore*. The Chair sustains the point of order if the bill has been reported to-day.

Mr. SARGENT. I ask the attention of the Chair for a moment. This bill was reported from the Committee on Foreign Relations May 15, 1876. It has never been before the Finance Committee. If the Senator from Vermont intended that by his motion, then I ask that the motion be reconsidered whereby the committee was discharged.

Mr. MORRILL. I did not.

The PRESIDENT *pro tempore*. The Chair understands this is not a report of a committee, but is a discharge of a committee, and the bill is before the Senate. The Chair overrules the point of order understanding the status of the bill.

Mr. SARGENT. Now I am willing to carry out the understanding of the Senator from Georgia. I am willing to go on with some remarks or I will yield.

Mr. LOGAN. Go on now.

Mr. MITCHELL. I call for the reading of the bill.

Mr. WINDOM. Am I not in order in presenting the report of a conference committee?

The PRESIDENT *pro tempore*. Will the Senate allow the report to be received? Is there unanimous consent for the Senator from Minnesota to make a report?

Mr. SARGENT. Provided it does not displace this bill.

The PRESIDENT *pro tempore*. Unanimous consent would not displace it.

Mr. HITCHCOCK. That is the Indian appropriation bill. I object.

Mr. ANTHONY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to.

#### INDIAN APPROPRIATION BILL.

Mr. WINDOM. While the galleries are being cleared I am satisfied that if I can be heard in a very brief statement the Indian bill may be acted on. I do not desire to have the report read, but information has been received by the committees of conference both of the Senate and House which makes it necessary that the report should be non-concurred in and a new committee appointed. It is not necessary to read the report; but both committees desire that the Senate shall non-concur in the report and that a new committee be appointed consisting of the same members. I move that the Senate non-concur in the report of the committee of conference and again insist on its amendments and ask for a further conference.

The motion was agreed to; and by unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate.

Mr. WINDOM, Mr. LOGAN, and Mr. KERNAN were appointed.

#### EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After thirty-three minutes spent in executive session, the doors were re-opened; and (at ten o'clock and forty-two minutes p. m.) the Senate adjourned.

### HOUSE OF REPRESENTATIVES.

FRIDAY, August 11, 1876.

The House met at twelve o'clock m. Prayer by Rev. L. STERN, minister of the Washington Hebrew congregation.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed, without amendment, the bill (H. R. No. 4087) continuing the provisions of an act entitled "An act to provide temporarily for the expenditures of the Government."

#### INDIAN SCOUTS.

Mr. BANNING. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. No. 1007) concerning the employment of Indian scouts.

The SPEAKER *pro tempore*. The bill will be read for information. The bill was read. It repeals so much of the Army appropriation act of July 24, 1876, as limits the number of Indian scouts to three hundred, and continues in force sections 1094 and 1112 of the Revised Statutes, authorizing the employment of one thousand Indian scouts. It also provides that a proportionate number of non-commissioned officers may be appointed. The scouts, when they furnish their own horses and horse-equipments, are to be entitled to receive forty cents per day for their use and risk so long as thus employed.

Mr. HEWITT, of Alabama. Is this a proposition to increase the force of the Army?

Mr. BANNING. It is not. I think the gentleman will make no objection to the bill when it is explained.

Mr. HEWITT, of Alabama. I reserve the right to object until some explanation is made.

Mr. BANNING. At the assembling of Congress this session section 1094 of the Revised Statutes permitted the employment in time of

war of one thousand Indian scouts, and section 1112 of the Revised Statutes required that those scouts should be discharged immediately upon the end of Indian hostilities. The Army appropriation bill passed this session provided for only three hundred. More than three hundred at that time were employed and being used in the expedition against the Sioux. The passage of that bill cut off the pay of part of these men that are now in the field against the Sioux Indians. The Secretary of War and the General of the Army have requested Congress to fix the number of Indian scouts as they were under section 1094 of the Revised Statutes before the convening of this Congress at one thousand in time of Indian hostilities. It will be necessary to do this to pay part of the scouts that were employed before the Army bill passed fixing the number at three hundred.

Mr. HURLBUT. Will the gentleman also state that this will not increase the number of the Army?

Mr. BANNING. I was about to state that. It will not increase the number of the Army one. It simply re-enacts the law which permitted the General of the Army to employ as many as one thousand Indian scouts in time of actual hostilities. As soon as hostilities are over the statute requires that they shall be mustered out. I will read the statute which this bill re-enacts:

The President is authorized to enlist a force of Indians not exceeding one thousand, who shall act as scouts in the Territories and Indian country. They shall be discharged when the necessity for their service shall cease or at the discretion of the department commander.

The appropriation bill which we passed provided the pay of only three hundred of these men. This is a re-enactment of that law. These scouts are now in the service performing duty under Terry and Crook, and I hope the bill will be passed.

The SPEAKER *pro tempore*. Does the gentleman from Alabama insist on his objection?

Mr. HEWITT, of Alabama. I do not.

Mr. EDEN. I understand that these scouts are to be used only during the Indian war?

Mr. BANNING. Yes, sir; only temporarily during the Indian hostilities.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

Mr. BANNING moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### EASTERN BAND OF CHEROKEE INDIANS.

Mr. VANCE, of North Carolina. I ask that by unanimous consent the Committee of the Whole on the Private Calendar be discharged from the further consideration of the bill (H. R. No. 3687) to authorize and enable the eastern band of the Cherokee Indians to institute and prosecute a suit in the Court of Claims against the Cherokee Nation, and that it be brought before the House for present consideration. This bill is reported unanimously by the Committee on Indian Affairs, and I hope there will be no objection to its now being put upon its passage.

Mr. EDEN and Mr. FORT reserved the right to object until the bill was read.

The SPEAKER *pro tempore*. The Chair always when unanimous consent is asked reserves the right of any gentleman to object until the bill is read.

The bill was read.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill at this time?

Mr. HURLBUT. I object to the consideration of any bill on the Private Calendar.

Mr. VANCE, of North Carolina. If the gentleman will allow me to make a statement I am satisfied he will withdraw his objection.

The SPEAKER *pro tempore*. Objection has been made.

#### C. M. WILCOX.

Mr. HUNTON. I ask unanimous consent to report back from the Committee on the Judiciary, with a favorable recommendation, the bill (H. R. No. 3083) to remove the political disabilities of C. M. Wilcox, of Maryland. It is accompanied by a petition and is reported by the Judiciary Committee unanimously.

The bill was read.

Mr. HURLBUT. Is there a petition accompanying the bill?

The SPEAKER *pro tempore*. The gentleman from Virginia has so stated.

Mr. HUNTON. I hold the petition in my hand, and will have it read if the gentleman desires.

Mr. HURLBUT. I do not ask for the reading of the petition.

There being no objection, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed, (two-thirds voting in favor thereof.)

Mr. HUNTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### SOLDIERS' HOMES.

Mr. TERRY. I rise to a privileged question. I am instructed by the Committee on Military Affairs to report the resolution that I send to the Clerk's desk, and to ask its passage.